THE NATIONAL ARCHIVES

FEDERAL REGISTER

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Washington, Friday, August 29, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2745

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1947

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS this Nation has an unused reservoir of skills and strength in those of our fellow citizens who by reason of physical handicaps are denied opportunities for employment, and

WHEREAS the people of this Nation are profoundly conscious of the limitless debt they owe to their fellow citizens who count the costs of wars in terms of physical handicaps; and

WHEREAS each year the toll of industrial and other accidents increases the number of handicapped persons seeking work, and

WHEREAS thousands of handicapped workers have demonstrated that physical handicaps are no insurmountable bar to efficient and productive labor, and

WHEREAS this Nation needs the full measure of faith and participation in our democratic life which can only come in full measure to the handicapped when they become self-supporting and independent citizens, and

WHEREAS the employers of this Nation have a unique opportunity to assist in this national effort to rehabilitate otherwise qualified but physically handicapped workers by employing their services; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530) has designated the first week in October of each year as National Employ the Physically Handicapped Week, during which appropriate ceremonies are to be held throughout the Nation, and has requested that the President issue each year a suitable proclamation:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the people of the United States to observe the week of October 5–11, 1947, as National Employ the Physically Handicapped Week. I also call upon the governors of states, mayors of cities, and heads of other agencies of government and other public officials, as well as leaders of industry, labor, and civic groups to make every effort to enlist public support for a sustained program aimed at the employment and full use of the capacities of physically handicapped workers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of August in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-second.

[SEAL]

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 47-8127; Filed, Aug. 28, 1947; 11:36 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL SECURITY AGENCY

Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (19) is amended by the addition of the following subdivision:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A* * * *

(19) *Federal Security Agency* * * *

Office of Special Services (xiii) One private secretary or confidential assistant to the Commissioner.

(Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 47-8064; Filed, Aug. 28, 1947; 8:46 a. m.]

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

[1] See Title 31, Part 131.
[2] See Title 5, Part 6.

CODIFICATION GUIDE—Con.

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL TRADE COMMISSION

Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (27) is revised to read as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A* * * *

(27) *Federal Trade Commission.* (i) Assistant to the Chairman and Director of Information.

(ii) General Counsel.

(iii) Chief Trial Counsel.

(iv) Chief, Planning and Budget Division.

(v) Director, Office of Legal Investigations.

(vi) Director of Trade Practice Conferences and Wool Act Administration.

(vii) Director, Division of Stipulations.

(viii) Director, Division of Accounts, Statistics and Economic Reports.

(ix) Director, Medical Advisory Division. (Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ARTHUR S. FLEMING,
Acting President.

[F. R. Doc. 47-8063; Filed, Aug. 28, 1947; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter F—Banks for Cooperatives

[Farm Credit Administration Order 461]

PART 70—LOAN INTEREST RATES AND SECURITY

INCREASED INTEREST RATES

Sections 70.90, 70.90-50, 70.90-51, 70.90-52 and 70.90-55 of Title 6 of the Code of Federal Regulations are hereby amended to read as follows:

§ 70.90 *Interest rate on continental loans for financing operations.* Except as provided in this section with respect to the Berkeley Bank for Cooperatives, the Columbia Bank for Cooperatives, the St. Louis Bank for Cooperatives, and the Central Bank for Cooperatives, the rate of interest on all loans, other than upon the security of commodities, made on and after February 24, 1939, by any district bank for cooperatives, the Central Bank for Cooperatives, or from the Revolving Fund authorized by the Agricultural Marketing Act (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), as amended, for the purposes specified in section 7 (a) (1) of that act, shall be 2½ per centum per annum. The rate of interest on all such loans made on and after September 15, 1947, by the Berkeley Bank for Cooperatives and by the Central Bank for Cooperatives in the Farm Credit Administration district in which the Berkeley Bank for Cooperatives is located, and by the Columbia Bank for Cooperatives and by the Central Bank for Cooperatives in the Farm Credit Administration district in which the Columbia Bank for Cooperatives is located, and on and after December 1, 1947, by the St. Louis Bank for Cooperatives and by the Central Bank for Cooperatives in the Farm Credit Administration district in which the St. Louis Bank for Cooperatives is located, shall be 2¾ per centum per annum.

§ 70.90-50 *Interest rate on continental commodity loans.* Except as specified in § 70.90-51, and except as provided in this section with respect to the Berkeley Bank for Cooperatives, the Columbia Bank for Cooperatives, the St. Louis Bank for Cooperatives, and the Central Bank for Cooperatives, the rate of interest on all loans made upon the security of commodities on and after February 24, 1939, by any district bank for cooperatives, the Central Bank for Cooperatives, or from the Revolving Fund authorized by the Agricultural Marketing Act (sec. 7, 46 Stat. 14; 12 U. S. C. 1141e), as amended, for the purposes specified in section 7 (a) (1) of that act, shall be 1½ per centum per annum. The rate of interest on all such loans made on and after March 1, 1947, by the Berkeley Bank for Cooperatives, and on and after September 15, 1947, by the Central Bank for Cooperatives in the Farm Credit Administration district in which the Berkeley Bank for Cooperatives is located, and on and after September 15, 1947, by the Columbia Bank for Cooperatives and by the Central Bank for Cooperatives in the Farm Credit Administration district in whcih the Columbia Bank for Cooperatives is located, and on and after December 1, 1947, by the St. Louis Bank for Cooperatives and by the Central Bank for Cooperatives in the Farm Credit Administration district in which the St. Louis Bank for Cooperatives is located, shall be 1¾ per centum per annum.

§ 70.90-51 *Interest rate on loans secured by Commodity Credit Corporation loan documents.* Except as provided in this section with respect to the Berkeley Bank for Cooperatives, the Columbia Bank for Cooperatives, the St. Louis Bank for Cooperatives, and the Central Bank for Cooperatives, the rate of interest on loans made on and after June 30, 1947, by any district bank for cooperatives or the Central Bank for Cooperatives to eligible farmers' cooperatives, upon the security of approved Commodity Credit Corporation loan documents, shall be 1½ per centum per annum. The rate of interest on all such loans made on and after September 15, 1947, by the Berkeley Bank for Cooperatives and by the Central Bank for Cooperatives in the Farm Credit Administration district in which the Berkeley Bank for Cooperatives is located, and by the Columbia Bank for Cooperatives and by the Central Bank for Cooperatives in the Farm Credit Administration district in which the Columbia Bank for Cooperatives is located, and on and after December 1, 1947, by the St. Louis Bank for Cooperatives and by the Central Bank for Cooperatives in the Farm Credit Administration district in which the St. Louis Bank for Cooperatives is located, shall be 1¾ per centum per annum.

§ 70.90-52 *Interest rate on continental facility loans.* On and after October 1, 1947, the interest rate on all facility loans made in the continental United States by the district banks for cooperatives and the Central Bank for Cooperatives shall be 4 per centum per annum.

§ 70.90-55 *Interest rate on facility loans in Puerto Rico.* On and after October 1, 1947, the interest rate on all facility loans made in Puerto Rico by the Baltimore Bank for Cooperatives and the Central Bank for Cooperatives shall be 4½ per centum per annum.

(Secs. 34, 38, 48 Stat. 262, 264 as amended; 12 U. S. C. 1134j)

[SEAL] I. W. DUGGAN,
Governor.

[F. R. Doc. 47-8059; Filed, Aug. 28, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 236, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as

hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order, as amended.* (1) The provisions in paragraphs (b) (1) and (2) of § 953.343 (Lemon Regulation 236, 12 F. R. 5690) are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 24, 1947, and ending at 12:01 a. m., P. s. t., August 31, 1947, is hereby fixed at 400 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 235 (12 F. R. 5544) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of August 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-8115; Filed, Aug. 28, 1947; 10:38 a. m.]

Chapter XXI—Organization, Functions and Procedure

Subchapter C—Production and Marketing Administration

PART 2327—LABOR BRANCH

DELEGATION OF AUTHORITY

§ 2327.4 *Delegation of authority.* The Divisional Chief of Operations in the several divisional offices of the Labor Branch are authorized to exercise all the authorities, powers, functions and duties vested in the Director of that Branch by order of the Acting Administrator, Production and Marketing Administration, dated August 12, 1947, (12 F. R. 5519) to dispose of as provided in the Farmer's Home Administration Act of 1946, as amended (Public Law No. 731, 79th Congress, second session, approved August 14, 1946, 60 Stat. 1062; Public Law No. 40, 80th Congress, first session, approved April 28, 1947) and in Public Law 298, 80th Congress, approved July 31, 1947, all labor supply centers, labor homes, labor camps, and facilities formerly under the supervision or administration of the Farm Security Administration and originally transferred or made available to the War Food Administrator for use in the farm labor supply program pursuant to Public Law No. 45, 78th Congress, first session, approved April 29, 1943 (57 Stat. 70), all similar labor centers, homes, camps, and facilities constructed or acquired by the War Food Administrator of the Department of Agriculture pursuant to subsequent similar laws or otherwise, and any equipment pertaining thereto or used in the farm labor supply program;

Except that, the Chief of Operations shall not have the authority hereunder to dispose of any permanent camp and equipment pertaining thereto.

The exercise of authorities delegated in this section shall be subject to the limitations and requirements of regulations of the Department of Agriculture, except insofar as they have been modified in their applicability to the Farm Security Administration. (60 Stat. 1062; Pub. Law 298, 80th Cong.; 12 F. R. 5519)

Done at Washington, D. C., this 22d days of August 1947.

[SEAL] WILSON R. BUIE,
Director, Labor Branch, Production and Marketing Administration.

[F. R. Doc. 47-8060; Filed, Aug. 28, 1947; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 396]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 61—SCHEDULED AIR CARRIER RULES

ISSUANCE TO PERSONS HOLDING TEMPORARY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND SUBSEQUENT MODIFICATIONS THEREOF; SPECIAL CIVIL AIR REGULATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of August 1947.

The purpose of this Special Civil Air Regulation is to authorize the issuance and modification of air carrier operating certificates, where safety will not be adversely affected, for scheduled air carriers who are unable to meet all the requirements of the Civil Air Regulations.

This regulation will be applicable to air carriers holding temporary certificates of public convenience and necessity which because of the aircraft or equipment used, the navigational facilities available on the routes flown, and the types of services offered are unable to meet all the requirements of the Civil Air Regulations presently applicable to scheduled air carriers.

This regulation is necessary to enable such air carriers to operate and continue operation where safety is not adversely affected. The Board finds that since this regulation will impose no additional requirements on the air carriers concerned, compliance with the requirements of the Administrative Procedure Act is unnecessary, and it should become effective immediately.

The following Special Civil Air Regulation is made and promulgated to become effective August 21, 1947:

An air carrier operating certificate, or amendments thereto, may be issued by the Administrator to an air carrier holding a temporary certificate of public convenience and necessity, issued by the Board, authorizing such carrier to engage in scheduled air carrier operations which do not fully meet the certification and operation requirements of Parts 40 and 61 of the Civil Air Regulations, if the Administrator finds that any of such requirements can be omitted or modified without adversely affecting safety. Such omissions or modifications, when approved by the Administrator, shall be listed in the air carrier operating certificate, and the Administrator shall promptly notify the Board of the omissions or modifications approved by him and the reasons therefor.

This regulation shall terminate August 31, 1948.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-8070; Filed, Aug. 28, 1947; 8:46 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 650—ORGANIZATION OF THE CIVIL AERONAUTICS ADMINISTRATION

MISCELLANEOUS AMENDMENTS

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, (52 Stat. 985, 986, 1010; 49 U. S. C. 451, 458, 554, 555) and in accordance with the Administrative Procedure Act (Public Law 404, 79th Congress 2d sess.), I hereby amend Part 650 (11 F. R. 177A-315) of the Organization of the Civil Aeronautics Administration as follows:

1. By amending § 650.12 (a) (11 F. R. 177A-315) to read as follows:

§ 650.12 *Staff offices*—(a) *Director, Staff Programs Office (agency coordination and international).* (1) Provides liaison with the Air Coordinating Committee.

(2) Coordinates the Administration's policies concerned with, or related to, international civil aviation and relationships with international civil aviation bodies.

(3) Promotes international civil aviation through the development of cooperative relations involving the U. S. aero-

nautical industry, foreign countries, and their nationals: the interchange of aviation information through the detailing of CAA technical missions abroad to serve as advisors to foreign governments; and through arrangements for training of accredited foreign civil aviation representatives in U. S. civil aviation standards, procedures, and techniques.

(4) Formulates plans and programs in cooperation with public and private agencies designed to facilitate international civil aviation.

(5) Coordinates engineering and related standardization pertaining to the various activities of the Administration in relationship to other agencies or groups active in such fields; establishes policies and procedures for the Technical Standard Order system.

2. By amending § 650.14 (11 F. R. 177A-316) by adding a new paragraph to read:

§ 650.14 *Office of safety regulation.* * * *

(e) The Office of Safety Regulation shall establish and direct foreign field offices for the safety regulation inspection of United States flag air carriers engaged in foreign air transportation.

3. By repealing § 650.18 (11 F. R. 177A-317).

(52 Stat. 985, 986, 1010, 60 Stat. 237; 49 U. S. C. 451, 458, 554, 555, 5 U. S. C. Sup. 1001 et seq.)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-8055; Filed, Aug. 28, 1947; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 1—POLICIES

The Commission, on August 19, 1947, amended its statement of policy, by striking therefrom all of § 1.3 *Settlement of cases by stipulation*, and by unanimously adopting, in lieu thereof, a public statement of policy with reference to trade practice conference and stipulation agreements (§ 1.3 *Settlement of cases by trade practice conference and stipulation agreements*), to be promulgated and published in the FEDERAL REGISTER; and on said date further unanimously approved an explanatory statement, to accompany the public release of such statement of policy and to be published in the FEDERAL REGISTER; so that said statement of policy (Part 1, Policies) shall read as follows:

Sec.
1.1 Status of applicant or complainant.
1.2 Policy as to private controversies.
1.3 Settlement of cases by trade practice conference and stipulation agreements.
1.4 Cooperation with other agencies.

AUTHORITY: §§ 1.1 to 1.4, inclusive, issued under sec. 6, 38 Stat. 721, 60 Stat. 237; 15 U. S. C. 46, 5 U. S. C. Sup., 1001 et seq.

§ 1.1 *Status of applicant or complainant.* The so called "applicant" or complaining party has never been regarded as a party in the strict sense. The Commission acts only in the public interest. It has always been and now is the rule not to publish or divulge the name of an applicant or complaining party, and such party has no legal status before the Commission except where allowed to intervene as provided by the statute.

§ 1.2 *Policy as to private controversies.* It is the policy of the Commission not to institute proceedings against alleged unfair methods of competition or unfair or deceptive acts or practices where the alleged violation of law is a private controversy redressable in the courts, except where said practices tend to affect the public. In cases where the alleged injury is one to a competitor only and is redressable in the courts by an action by the aggrieved competitor and the interest of the public is not involved, the proceeding will not be entertained.

§ 1.3 *Settlement of cases by trade practice conference and stipulation agreements.* (a) Upon the promulgation of trade practice conference rules for an industry, an examination will be made of all charges of law violations by members of that industry then pending before the Commission which have not reached the formal stage through the issuance of complaint. In those instances in which the pending charges are adequately covered by the trade practice conference rules, and which are not excluded by the exceptions hereinafter stated, the Commission will consider the advisability of closing the matters without prejudice to reopening whenever that action appears to be warranted. In such instances consideration will be given to whether or not a proposed respondent has subscribed to the trade practice conference rules for his industry, to whether or not there is adequate reason to believe that he is in fact complying with such rules and will continue to do so, and to whether or not the public interest or the applicable statute requires any further proceedings.

(b) Upon the promulgation of trade practice conference rules for an industry, formal complaints which have not then been adjudicated and in which the charges are adequately covered by such rules, and which are not excluded by the exceptions hereinafter stated, may be brought directly before the Commission on motion to suspend without prejudice to the Commission's right to resume the proceeding. In considering such motions the Commission will be guided by factors similar to those outlined above with respect to informal matters.

(c) Whenever the Commission shall have reason to believe that any person has been or is using unfair methods of competition or unfair or deceptive acts or practices in commerce, and that the interest of the public will be served by so doing, it may, in instances which are not excluded by the exceptions hereinafter stated, withhold service of complaint and extend to the person opportunity to execute a stipulation satisfactory to the Commission, in which the person, after admitting the material facts, promises and agrees to cease and desist from and not to resume such unfair methods of competition or unfair or deceptive acts or practices. All such stipulations shall be matters of public record, and shall be admissible as evidence of prior use of the unfair methods of competition or unfair or deceptive acts or practices involved in any subsequent proceeding against such person before the Commission.

(d) It is the policy of the Commission to utilize the trade practice conference and stipulation procedures to encourage widespread observance of the law by enlisting the cooperation of members of industries and informing them more fully of the requirements of the law, so that wherever consistently possible the Commission may avoid the need for adversary proceedings against persons who, through misunderstanding or carelessness, may violate the law unintentionally. But it is not the policy of the Commission to grant the privilege of settling cases through trade practice conference or stipulation agreements to persons who have violated the law where such violations involve intent to defraud or mislead; false advertisement of foods, drugs, devices or cosmetics which are inherently dangerous or where injury is probable; suppression or restraint of competition through conspiracy or monopolistic practices; or violations of the Clayton Act; nor will the privilege be granted where the Commission is of the opinion that such procedure will not be effective in preventing continued use of the unlawful methods, acts or practices. The Commission reserves the right in all cases to withhold the privilege of settlement by trade practice conference or stipulation agreements. When in connection with an industry-wide investigation informal matters of whatever nature are docketed against individual members of that industry, from which the promulgation of trade practice conference rules ensues covering the questioned practices, and which are subscribed to and accepted by the affected members of the industry, the Commission will give careful consideration to whether or not the public interest requires further investigation of such informal matters.

Explanatory statement. (a) The Commission has long had a public statement of policy governing the settlement of informal cases by stipulation agreements. There has been no comparable generally published statement of policy with respect to trade practice conference agreements. Under it present program, the Commission may institute trade practice conferences on its own initiative. When it appears that questionable practices are so prevalent in an industry that they may be more effectively and expeditiously reached by trade practice conference than by individual proceedings, the Commission may utilize that procedure in dealing with the over-all problem. In those situations it is necessary, after the promulgation of trade practice conference rules, to determine

what further action should be taken in pending informal cases relating to the same parties and practices, as well as to determine the extent to which pending formal matters may have been affected.

(b) It is the desire of the Commission to inform the public on these matters, but to avoid commitments which may abrogate its statutory procedures or frustrate the effectiveness of its corrective processes. To this end the Commission has formulated a statement of policy concerning the scope and effect of its trade practice conference procedure insofar as it may affect the settlement of pending matters before it, and it has reappraised its policy with respect to the settlement of cases by stipulation agreements.

(c) For many years the Commission has sought to encourage voluntary compliance with the laws which it administers. It has utilized individual stipulation agreements and conferences with whole industries and has otherwise cooperated with businessmen to inform and guide them with respect to the scope and meaning of the laws within its jurisdiction. A cooperative procedure similar to trade practice conferences was first used by the Commission in about 1919; the Trade Practice Conference Division was established in 1926; and the present active list of trade practice conference rules covers about 160 industries.

(d) It has long been the Commission's practice in certain instances where proper circumstances are present to dispose of pending matters upon acceptance by the affected parties of trade practice rules for their industry covering the charges in such matters. This practice was specifically limited in 1936 when the Commission determined that whenever an application for trade practice conference is received from an industry, some or all of whose members are respondents in proceedings before the Commission involving alleged violations of the Clayton Act or combinations or conspiracies in restraint of trade in violation of the Federal Trade Commission Act, such proceedings will have to go forward without regard to the trade practice conference procedure.

(e) The cooperative procedures, however, require a constant vigilance to avoid the dangers inherent in them. Their use should never be permitted as an easy escape for wilful violators of the laws administered by the Commission or as a means for avoiding or delaying the effectiveness of the Commission's corrective action. These considerations have governed the Commission's policy with respect to the settlement of pending matters by trade practice conference or stipulation agreements.

(f) Trade practice conference rules have no force of law in themselves. Violations of those rules are not proceeded against directly. The Commission can proceed only on a charge of violation of the law upon which the rules are based. Their purpose is to express the requirements of the statutes and decisions in terms which may be understood by the members of particular industries and in language addressed to their problems and practices. An agreement by a member of an industry to abide by the rules is an expression of intention to abide by the basic law.

(g) It is manifesty difficult to draft a statement of policy on a broad basis which does not afford an evasive device to the wilful violator while seeking to avoid unduly harsh treatment of the unintentional or casual violator. Any statement of policy must, therefore, depend for its effectiveness upon the consistent and sound judgment of the Commission in applying it in individual instances. But no statement of policy should be so broad as to constitute an invitation to reluctant or recalcitrant respondents to avail themselves of informal settlements for the purpose of delaying or defeating effective action. It should invite only those who desire in good faith to correct unlawful practices on a cooperative and voluntary basis. The object of the Commission is to correct—not to punish. But there must be a reasonable assurance that any cooperative procedure will be effective and provide full freedom to institute such further proceedings as are or may become necessary in the public interest.

(h) Conspiracies and monopolistic practices are, with few exceptions, deliberately engaged in for the purpose of restraining competition and ordinarily with knowledge of their illegality. Since good faith is ordinarily lacking in such violations, it cannot be expected to be present in agreements by the conspirators to discontinue and not resume the violations. Violations of this type are frequently also criminal violations of the Sherman Act, and the settlement of such violations by informal agreement may impair the rights of private litigants or compromise the enforcement of that act by the Department of Justice. When conspirators are discovered, or when they are on the verge of being discovered, they would doubtless be glad to make use of the Commission's trade practice conference or stipulation procedure as a protection against the more rigorous procedure provided by the antitrust laws.

(i) Trade practice conference rules may include rules against restraints of trade and against violations of the Clayton Act. Insofar as such rules may be informative to and followed by members of the affected industries, they have a substantial value. They should not be accepted, however, as a basis for the settlement of cases in which the Commission has reason to believe that such violations have occurred.

§ 1.4 *Cooperation with other agencies.* (a) In the exercise of its jurisdiction with respect to practices and commodities concerning which other federal agencies also have functions, it is the established policy of the Commission to cooperate with such agencies to avoid unnecessary overlapping or possible conflict of effort.

(b) It is the policy of the Commission not to institute proceedings in matters such as the labeling or branding of commodities where the subject matter of the questioned portion of the labeling or branding used is, by specific legislation, made a direct responsibility of another federal agency.

(c) In proceedings involving false advertisements of food, drugs, cosmetics, and devices as defined in section 15 of the Federal Trade Commission Act, account is taken of the labeling requirements of the Food and Drug Administration in any corrective action applied to the advertising. In the case of advertisements of food, drugs, cosmetics, or devices which are false because of failure to reveal facts material in the light of the advertising representations made or material with respect to the consequences which may result from the use of the commodity, it is the policy of the Commission to proceed only when the resulting dangers may be serious or the public health may be impaired, and in such cases to require that appropriate disclosure of the facts be made in the advertising.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of August 19, 1947.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-8075; Filed, Aug. 28, 1947; 8:46 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 01.100 to 01.145, inclusive, directing the Superintendent for the Five Civilized Tribes to perform certain functions with respect to the removal of specified cases to the United States district court, see Title 43, Part 4, *infra.*

TITLE 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 200—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 200.50 to 200.53, inclusive, see Title 43, Part, *infra,* directing the Geological Survey to perform certain functions and duties concerning oil and gas production and other operations in the submerged lands and tidelands adjacent to California.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PROPERTY CERTIFIED BY GOVERNMENTS OF SPECIFIED COUNTRIES

AUGUST 29, 1947.

General License No. 95, as amended under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Section 131.95 (General License No. 95) is hereby amended as follows:

§ 131.95 *Property certified by governments of specified countries*—(a) *Certification by governments of countries specified herein.* Whenever a designated agent of the government of any country specified herein has certified in writing that no foreign country designated in the order or national thereof, other than a country specified herein or national thereof, has at any time between the effective date of the order and the date of certification had any interest in any property subject to the proviso of paragraph (a) of § 131.94 (General License No. 94) the property so certified is hereby licensed to be regarded as property in which no blocked country or national thereof has or has had any interest.

(b) *Waiver of section 2A of the order and General Ruling No. 5.* The provisions of section 2A of the order and of General Ruling No. 5 are waived with respect to any security to which a certification under the preceding paragraph is attached.

(c) *Application of license to certain nationals of countries specified herein.* This license shall not apply with respect to any national of a country specified herein who is a national of another foreign country designated in the order and not specified herein: *Provided, however,* That for the purposes only of this license the following shall be deemed nationals only of a country specified herein:

(1) Any individual residing in a country specified herein.

(2) Any partnership, association, corporation, or other organization, organized under the laws of a country specified herein.

(d) *Definitions.* As used in this section:

(1) The term "country specified herein" means the following:

(i) France, effective October 5, 1945;

(ii) Belgium, effective November 20, 1945;

(iii) Norway, effective December 29, 1945;

(iv) Finland, effective December 29, 1945;

(v) The Netherlands, effective February 13, 1946;

(vi) Czechoslovakia, effective April 26, 1946;

(vii) Luxembourg, effective April 26, 1946;

(viii) Denmark, effective June 14, 1946;

(ix) Greece, effective October 15, 1946;

(x) Switzerland, effective November 30, 1946;

(xi) Liechtenstein, effective November 30, 1946;

(xii) Poland, effective January 7, 1947;

(xiii) Austria, effective January 16, 1947;

(xiv) Sweden, effective March 28, 1947;

(xv) Italy, effective August 29, 1947;

and each country specified herein shall be deemed to include any colony or other territory subject to its jurisdiction.

(e) *Restrictions of General Ruling No. 11A.* Attention is directed to the special restrictions contained in General Ruling No. 11A, pertaining to dealings in certain property in which there is any interest of Germany or Japan or certain nationals thereof.

Sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Reg., Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130-1-7, 11 F. R. 1769, 7184, 12 F. R. 6.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-8062; Filed, Aug. 28, 1947; 8:48 a. m.]

APPENDIX A TO PART 131—GENERAL RULINGS UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

WAIVER OF CERTAIN SECURITIES FROM GENERAL RULING NO. 5

CROSS REFERENCE: For waiver of the provisions of General Ruling No. 5 with respect to securities specified in General License No. 95, see § 131.95, *supra.*

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 6,[1] Order 4]

PART 8306—SALE OF GOVERNMENT-OWNED PLANT EQUIPMENT IN CONTRACTORS' PLANTS

DISPOSAL OF PLANT EQUIPMENT TO CORNELL UNIVERSITY, A FACILITIES CONTRACTOR

War Assets Administration Regulation 6 authorizes owning agencies to dispose of plant equipment to contractors in possession thereof and establishes a pricing policy for such disposals.

[1] 12 F. R. 2363.

The War Assets Administrator has been advised that Reconstruction Finance Corporation, as an owning agency, is about to terminate its facilities contract with Cornell University and that Cornell University has indicated its interest in acquiring certain items of plant equipment under such facilities contract.

The War Assets Administration, in accordance with the provisions of Regulation 14, has determined the eligibility of Cornell University as a nonprofit educational institution entitled to the discounts provided therein.

Accordingly, it is hereby ordered, That:

§ 8306.54 *Disposal of plant equipment to Cornell University, a facilities contractor.* The Reconstruction Finance Corporation, in disposing of items of plant equipment as an owning agency to Cornell University pursuant to the provisions of this part and notwithstanding any of the provisions contained in Part 8321[2] is authorized to fix prices in accordance with the provisions of Part 8314[3] and orders thereunder.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Reorganization Plan 1 of 1947 (12 F. R. 4534))

This section shall become effective August 27, 1947.

ROBERT M. FIELD,
Associate Administrator.

AUGUST 27, 1947.

[F. R. Doc. 47-8128; Filed, Aug. 28, 1947; 12:12 p. m.]

[2] Reg. 21 (12 F. R. 976).
[3] Reg. 14 (11 F. R. 11515; 12 F. R. 257).

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 11—FOREIGN QUARANTINE

MISCELLANEOUS AMENDMENTS

Notice of proposed rule making having been published (12 F. R. 4547), and consideration having been given to all relevant matter presented, the following amendments are prescribed to the regulations relating to foreign quarantine. The regulations and the amendments thereto are for the purpose of preventing the introduction, transmission, or spread of communicable diseases from foreign countries into the United States, its territories, or possessions insofar as such introduction, transmission, or spread of communicable diseases may be prevented by inspection, fumigation, disinfestion, sanitation, pest extermination, destruction of animals or things, and related measures. The amendments are prescribed under sections 215 and 361-369, inclusive, of the Public Health Service Act.

1. The table of contents to the regulations is amended in the following respects:

11.154 Cats, dogs, and monkeys.
11.155 Cats, dogs, and monkeys: Disposition of excluded animals.

2. Section 11.3 is amended to read as follows:

§ 11.3 *Period of immunity.* The following shall be the period of immunity following successful immunization with a vaccine approved by the national Health department of the country in which the vaccine is administered, except that in the case of yellow fever, the vaccine must be approved by the approving authority designated by treaty.[1]

Cholera: from 6 days through 6 months following inoculation.
Plague: 6 months.
Smallpox: 3 years.
Typhus: 1 year.
Yellow Fever: from 10 days through 4 years following inoculation.

3. Section 11.46 is amended to read as follows:

§ 11.46 *General provision.* A vessel or aircraft arriving at a port under the control of the United States, which falls within paragraphs (a) or (b) of this section shall undergo quarantine inspection prior to entry.

(a) A vessel or aircraft arriving from a port not under the control of the United States, except:

(1) A vessel or aircraft which in the current voyage has not touched at any port other than ports under the control of the United States or ports in Canada, Newfoundland, the Islands of St. Pierre and Miquelon, Iceland, Greenland, the West Coast of Lower California, Cuba, the Bahama Islands, the Canal Zone, or the Bermuda Islands.

(2) A vessel which having received pratique at a Canadian port located in the international waters of (i) the Straits of Juan de Fuca, Haro, Georgia, Rosario and the Puget Sound and tributaries and connected waters on the West Coast, or (ii) the Saint Lawrence River and the Great Lakes, and their tributaries and connected waters on the East Coast, travels on the same international waters to a United States port and presents a duplicate copy of the Canadian pratique to the quarantine officer.[2]

(b) A vessel or aircraft arriving from any port whether or not under the control of the United States, which:

(1) Has aboard a person infected or suspected of being infected with anthrax, chickenpox, cholera, dengue, diphtheria, infectious encephalitis, measles, meningococcus meningitis, plague, poliomyelitis, psittacosis, scarlet fever, smallpox, streptococcic sore throat, typhoid fever, typhus, or yellow fever, or

(2) Arrives from a port where at the time of departure there was present or suspected of being present cholera, plague, or yellow fever, or where there was significant increase in prevalence of smallpox or typhus at the time the vessel or aircraft touched there.

4. Section 11.66 is amended to read as follows:

§ 11.66 *Persons: Observation.* Persons held under observation pursuant to the provisions of Subpart F of this part may be so held on vessels in quarantine or at facilities of the Public Health Service. Such persons shall not have contact with other persons except by permission of the medical officer in charge.

5. Section 11.82 is amended to read as follows:

§ 11.82 *Cholera: Vessels or aircraft; things.* (a) A cholera infected vessel or aircraft shall be detained in quarantine until disinfected.

(b) The dejecta of all persons held under observation for cholera shall be disinfected before final disposition.

(c) Personal effects contaminated by dejecta from cholera cases or carriers shall be disinfected. Material capable of conveying infection shall not be removed from the vessel or aircraft until it has been disinfected.

(d) All unsealed food on a cholera infected vessel or aircraft shall be destroyed or cooked, and such other special precautions shall be taken as may be necessary to prevent contamination of food or water supplies of the vessel or aircraft.

(e) The water supply of a cholera infected vessel or aircraft shall be disinfected.

6. Section 11.87 is amended to read as follows:

§ 11.87 *Smallpox: Vessels or aircraft; persons.* (a) Persons ill from smallpox shall be removed and isolated until no longer infectious.

(b) All persons not presenting evidence satisfactory to the quarantine officer of successful vaccination within three years prior to arrival or of a previous attack of smallpox shall be vaccinated, or, upon failure or refusal to be vaccinated, held under observation for not more than 14 days, but, to the extent determined by the Surgeon General, persons arriving from countries specified by him shall not be so vaccinated or held.

7. Section 11.139 is amended to read as follows:

§ 11.139 *Particular diseases.* (a) A person coming from a locality where cholera is prevalent shall not enter until (1) it is determined that he is free from cholera vibrios, or (2) he has been under observation for five days since last exposure and is free from the disease.

(b) A person from an endemic yellow fever area who does not present satisfactory evidence of immunity shall be placed under observation or surveillance for six days from last exposure.

(c) All persons not presenting evidence satisfactory to the quarantine officer of successful vaccination within three years prior to arrival or of a previous attack of smallpox shall be vaccinated, or, upon failure or refusal to be vaccinated, held under observation for not more than 14 days.

(d) A person from a locality where typhus prevails shall not be allowed to enter until free from vermin. Persons, wearing apparel, baggage and personal effects shall be disinfested when deemed necessary by the quarantine officer.

8. Section 11.152 is amended to read as follows:

§ 11.152 *Psittacine birds.* (a) The term psittacine birds shall include all birds commonly known as parrots, amazons, Mexican double heads, African grays, cockatoos, macaws, parakeets, love birds, lories, lorikeets, and all other birds of the psittacine family.

(b) Except as provided in subparagraphs (1) and (2) of this paragraph, psittacine birds shall not be brought into the continental United States, its territories, or possessions, other than the Canal Zone, from any foreign port.

(1) Birds destined for a zoological park or a research institution may be brought in if they are older than eight months, the importer thereof has applied on prescribed forms for permission to bring them in, and having made a showing that adequate detention will be observed at the place of destination, has received a permit from the Surgeon General specifying the number and species of birds that may be brought in.

(2) Birds not destined for a zoological park or a research institution may be brought in by the owner of the birds if they are accompanied by him; do not exceed two in number; the owner has submitted a sworn statement that the birds have been in his possession for the preceding two years, have not had contact with other psittacine birds during that period, and will be transported immediately to his private residence and retained there as his household pets; and appear to the quarantine officer to be in good health.

9. Section 11.153 is amended to read as follows:

§ 11.153 *Psittacine birds: Disposition of excluded birds.* Psittacine birds excluded from entry under the regulations in this part shall be destroyed or deported. Pending deportation they shall be detained under Customs' custody at the owner's expense:

(a) Aboard the vessel on which they arrived and the vessel shall be held under provisional pratique, or

(b) At the airport of entry.

10. Section 11.154 is amended to read as follows:

§ 11.154 *Cats, dogs, and monkeys.* Subject to the provisions of paragraphs (d) and (e) of this section, no cat, dog, or monkey shall be brought into ports under the control of the United States from any foreign country unless the requirements of paragraphs (a) and (b) of this section are complied with.

(a) The owner may submit a sworn statement that the animals have been immunized with an approved rabies vaccine not more than six months prior to

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[1] The yellow fever vaccine and the method of inoculation employed must be approved by the Interim Commission of the World Health Organization. See Article 40 (and the International Form of Certificate of Inoculation annexed thereto) of the International Sanitary Convention of 1926, as amended by the International Sanitary Convention of 1944; and Article 2 (f) of the Arrangement concluded by the Governments (including that of the United States) represented at the International Health Conference. The Arrangement was signed July 22, 1946, and the transfer of functions here involved became effective December 1, 1946.

[2] See Subpart H regarding issuance of duplicate pratique by United States Quarantine officers for presentation to quarantine authorities of Canada.

the date of entry. If such a statement is not submitted, the animals must be immunized with an approved rabies vaccine following arrival into ports under control of the United States and prior to release from quarantine.

(b) The owner may submit a sworn statement that the animals were physically inspected within ten days prior to departure for the United States and were found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea. If such a statement is not submitted, the animals must be physically inspected following arrival into ports under control of the United States and found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea.

(c) Notwithstanding any other provision of this section, monkeys put on board at a port in an endemic yellow fewer area, or monkeys coming from such an area, shall not be brought in unless they are free of evidence of yellow fever infection, and their owner submits evidence satisfactory to the quarantine officer that, immediately prior either to being put aboard or their arrival, the monkeys had been detained in a mosquito-proof structure for not less than nine days.

(d) The immunization requirements of paragraph (a) of this section shall not be applicable to cats, dogs, or monkeys if the owner thereof submits a sworn statement to the effect that (1) the animals are destined for a research institution, (2) they are intended by such institution to be used for scientific purposes, and (3) immunization will seriously interfere with their use for such purposes.

(e) The provisions of paragraphs (a) and (b) of this section shall not be applicable in the case of cats, dogs, or monkeys brought in from Bermuda, Canada, Eire, Sweden, or the United Kingdom of Great Britain and Northern Ireland. The provisions of paragraph (a) of this section shall not be applicable in the case of cats, dogs, or monkeys brought in from Australia or New Zealand.

11. Section 11.155 is amended to read as follows:

§ 11.155 *Cats, dogs, and monkeys: Disposition of excluded animals.* Cats, dogs, and monkeys excluded from entry under these regulations shall be destroyed or deported. Pending deportation they shall be detained under Customs' custody at the owner's expense:

(a) Aboard the vessel on which they arrived, the vessel to be held under provisional pratique; or

(b) At the airport of entry.

(Secs. 215, 361–369, 58 Stat. 690, 703–706; 42 U. S. C. Sup., 216, 264–272)

Effective date. The foregoing amendments shall be effective 30 days after their publication in the FEDERAL REGISTER.

[SEAL] JAMES A. CRABTREE,
Acting Surgeon General.

Approved: August 25, 1947.

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47-8056; Filed, Aug. 28, 1947; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2355]

PART 4—DELEGATION OF AUTHORITY

SUBMERGED LANDS AND TIDELANDS ADJACENT TO CALIFORNIA

The following new section is added to Subpart H, Part 4, to become effective immediately:

§ 4.624 *Submerged lands and tidelands adjacent to California.* The Federal Oil and Gas Supervisor, U. S. Geological Survey, 533 U. S. Post Office and Courthouse, Los Angeles 12, California, is hereby designated as the representative of the Secretary of the Interior to receive all notices, reports, records, and other data which are required to be furnished to the Secretary of the Interior pursuant to the stipulation entered into on July 26, 1947, in United States v. California (Original No. 12, Supreme Court of the United States), between the Attorney General of the United States and the Attorney General of California governing the continuation of oil and gas production and other operations in the submerged lands and tidelands adjacent to California. Where a request for the advance approval of the Secretary of the Interior is submitted in accordance with paragraph 3 of the stipulation, the Supervisor shall forward such request with his recommendation to the Director of the Geological Survey, who is hereby authorized to approve or disapprove the request. All notices, reports, records, or other data, when received by the Supervisor, shall be retained in his office or distributed to the interested bureaus in accordance with usual procedures. (R. S. 161, 5 U. S. C. sec. 22)

J. A. KRUG,
Secretary of the Interior.

AUGUST 21, 1947.

[F. R. Doc. 47-8044; Filed, Aug. 28, 1947; 8:47 a. m.]

[Order 2356]

PART 4—DELEGATION OF AUTHORITY

FUNCTIONS RELATING TO LITIGATION AFFECTING INDIANS OF THE FIVE CIVILIZED TRIBES

The following section is added to Subpart J, Part 4:

§ 4.718 *Functions relating to litigation affecting Indians of the Five Civilized Tribes.* The Superintendent for the Five Civilized Tribes is hereby authorized (a) to make determinations against the removal to the United States district court of cases in which notices have been served upon him under section 3 of the act of April 12, 1926 (44 Stat. 239), and (b) to submit to the Department of Justice recommendations for the removal of such cases to the United States district court. All recommendations made by the superintendent in cases now pending are hereby adopted and confirmed. (Sec. 3 (c), Public Law 336, 80th Cong.)

J. A. KRUG.
Secretary of the Interior.

AUGUST 21, 1947.

[F. R. Doc. 47-8054; Filed, Aug. 28, 1947; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 8—SHIP SERVICE

LIFEBOAT INSTALLATIONS; REQUIREMENTS

In the matter of amendment of Part 8 of the rules and regulations and related lifeboat antenna kite and balloon requirements.

At a meeting of the Federal Communications Commission on the 21st day of August 1947;

The Commission having before it the fact that certain wartime regulations of the United States Coast Guard relating to compulsory lifeboat radio installations have been rescinded, and having under consideration its own requirements relating to lifeboat radio installations as set forth in Part 8 of its Rules Governing Ship Service; and

It appearing, that certain proposed amendments to delete from Part 8 of the Commission's rules those provisions relating to portable lifeboat radio installations, and to provide an optional radio installation for motor lifeboats of passenger vessels, were submitted by the Commission to all parties known or believed to be interested, including both private and governmental agencies, and an opportunity afforded those parties to comment regarding such proposed amendments; and

It further appearing, that all comments received have been duly considered; and

It further appearing, that it is in the public interest, convenience, and necessity that the proposed amendments, with minor changes to reflect certain recommendations received from interested parties, should be finally adopted; and

It further appearing, that authority for the amendments hereinafter set forth is contained in sections 303 (r), 355, and 356 of the Communications Act of 1934, as amended, that notice and public procedure for rule making as required by sections 4 (a) and (b) of the Administrative Procedure Act are unnecessary and contrary to the public interest for the reason that all parties known or be-

lieved to be interested have heretofore been given notice and an opportunity to comment on proposed amendments substantially the same in form and content as those hereinafter set forth and the amendments hereinafter set forth should be made effective at the earliest practicable date; and that for the foregoing reasons and also because the amendments hereinafter set forth will relieve an existing restriction relating to lifeboat radio installations such amendments should be made effective immediately without prior publication as required by section 4 (c) of the Administrative Procedure Act:

Now, therefore, it is ordered, That Part 8 of the Commission's rules and regulations entitled "Rules Governing Ship Service" and the related lifeboat antenna kite and balloon requirements are hereby amended in the following respects:

1. Sections 8.201 to 8.209, inclusive, are amended as set forth below and supersede §§ 8.201 to 8.210, inclusive (7 F. R. 6975).

NOTE: The text of §§ 8.201 to 8.209, inclusive, comes from the following sources: § 8.201 (a), from F. R. Doc. 44–15298 (NP), Dec. 12, 1944 (not published in the FEDERAL REGISTER); §§ 8.202 and 8.203 (b), from F. R. Doc. 42–8619, Aug. 27, 1942, 7 F. R. 6975; §§ 8.201 (b), 8.203 (a) and (c), 8.204 to 8.206, inclusive, currently amended, effective Sept. 1, 1947; and §§ 8.208 and 8.209, codified from the Commission's Requirements for Antenna Kites, Antenna Balloons and Associated Equipment, promulgated on Aug. 22, 1944, and currently amended. Former §§ 8.207 to 8.210, inclusive, have been deleted.

LIFEBOAT INSTALLATIONS

REQUIREMENTS FOR ALL COMPULSORY LIFEBOAT RADIO INSTALLATIONS

Sec.
8.201 Inspection and maintenance of lifeboat radio installation.
8.202 Demonstration of the power supply for lifeboat installations.
8.203 Radio installation requirements.

REQUIREMENTS FOR RADIO INSTALLATIONS IN MOTOR LIFEBOATS OF PASSENGER VESSELS

8.204 Lifeboat radio station.
8.205 Optional lifeboat radio installation.
8.206 Departure from requirements.

REQUIREMENTS FOR LIFEBOAT ANTENNA KITES, ANTENNA BALLOONS AND ASSOCIATED EQUIPMENT

8.208 Lifeboat antenna kites.
8.209 Balloons and balloon inflating equipment.

LIFEBOAT INSTALLATIONS

REQUIREMENTS FOR ALL COMPULSORY LIFEBOAT RADIO INSTALLATIONS

§ 8.201 *Inspection and maintenance of lifeboat radio installation.* (a) The lifeboat radio installation shall be inspected and tested [1] by a qualified representative of the licensee within 24 hours prior to the ship's departure for sea from each port (except not necessarily more than once each week), and with the lifeboat afloat in a harbor or port of the United States when required by an inspector of the Commission. The result of any inspection and test not made in the inspector's presence shall be made known to the master of the vessel and shall be entered in the ship's radio station log or recorded in the ship's log if the ship is not provided with a radiotelegraph station. The records of all inspections and tests shall be made available to duly authorized representatives of the Commission upon request. The inspection afloat shall include an actual test of the transmitter (and receiver when required) connected to the regular lifeboat antenna(s) erected to determine that each is in effective operating condition. When testing with the lifeboat not afloat, the transmitter may be connected to an artificial antenna.

(b) When the vessel is under way, provision shall be made for adequate charging of the storage batteries and the routine inspection of all batteries used to supply the power to lifeboat radio installations. The charging and routine inspection of such batteries shall not require their removal from the lifeboats in which they are installed. The necessary charging equipment shall be arranged so as not to interfere with the launching of the lifeboats, and for this purpose shall be easily and quickly removable. Inspection of the batteries shall be made at least once every seven days by a qualified representative of the licensee, and a statement in regard to the condition and specific gravity in the case of a lead-acid battery, or voltage under normal load in the case of Edison batteries (or dry batteries when such batteries are permitted) shall be reported to the master and entered in the ship's radio station log. Any storage battery provided as a power supply or as a spare power supply shall be kept fully charged at all times.

§ 8.202 *Demonstration of the power supply for lifeboat installations.* The shipowner, operating company, or station licensee, if directed by the Commission or its authorized representative, shall prove by demonstration as may be deemed necessary, that a storage battery used for a required lifeboat radio installation is capable of energizing this installation for the required period of time as stipulated in § 8.120.

§ 8.203 *Radio installation requirements.* (a) For new radio installations completed after January 1, 1940, in motor lifeboats of ocean-going passenger vessels, the charging circuit for the lifeboat radio storage battery or batteries when used as a source of power, shall be routed through the main radiotelegraph operating room of the vessel. A device which, during charge of the lifeboat radio battery or batteries will give a continuous indication of the polarity and the rate of such charge, shall be connected in this charging circuit, and shall be located in the main radiotelegraph operating room for purposes of frequent observation.

(b) The use of metal masts and stays, unless broken by insulators, or of any structure at electrical ground potential at the masthead(s) is not permitted: *Provided, however,* That this limitation shall not prohibit the use of a metal mast or masts used as the antenna. Provision shall be made for the expeditious erection of the antenna system under adverse weather and sea conditions.

(c) Kites and balloons and balloon inflating equipment [2] for use as component parts of lifeboat radio installations shall comply with all provisions of §§ 8.208 and 8.209.

REQUIREMENTS FOR RADIO INSTALLATIONS IN MOTOR LIFEBOATS OF PASSENGER VESSELS

§ 8.204 *Lifeboat radio station.* (a) Except as provided in § 8.205, the radio installation on motor lifeboats of vessels navigated in the open sea, designated in accordance with section 355 of the Communications Act of 1934, as amended, as requiring a radio installation, shall consist of an efficient installation, for emergency use, in good operating condition, which shall comply with the following requirements:

(1) Frequency of operation of transmitter: 500 kilocycles.

(2) Type of emission of transmitter: A–2.

(3) Frequency tolerance of transmitter: 0.5 per cent.

(4) Power of transmitter: Not less than 75 watts plate input power to the oscillator or amplifier supplying power to the antenna when such oscillator or amplifier is effectively coupled to an antenna equivalent to that described in the following paragraph (5).

(5) Antenna: A single wire inverted L–type, not less than 20 feet above the water line with a horizontal section of the maximum practicable length.

(6) Receiver: Electron tube type. Continuous frequency range of at least 350 to 550 kilocycles and capable of reception of types A–1, A–2 and B emissions.

(7) The type of power supply shall be: For the transmitter: A storage battery. For the receiver: Dry cell battery and/or storage battery. The necessary power for the transmitter and receiver, at voltages other than the battery voltages, may be obtained by the use of a dynamotor or other suitable device approved by the Commission.

(8) The lifeboat radio transmitter shall be fitted with a radio frequency ammeter of suitable range and scale, connected so as to indicate the current in the antenna circuit.

(b) Availability and use of lifeboat radio power: The power supply of a lifeboat radio installation shall be capable at all times of operating the entire lifeboat radio installation for a period of at least 6 continuous hours in accordance with § 8.115 (d). With the exception of the electric starter of the lifeboat motor, the storage battery or batteries may also be used to operate equipment other than radio: *Provided,* The additional use of the battery or batteries will not affect, adversely, the ability of the installation to fulfill the foregoing 6-hour radio operating requirement. All individual circuits

[1] Subject to such limitations as may be imposed by United States Naval Authority or by foreign governments at foreign ports. It is necessary that each lifeboat transmitter be licensed by the Commission to insure compliance with the rules and regulations of the Commission, during the required tests with an actual antenna. Operation of a lifeboat transmitter is ordinarily authorized by the regular ship station license when it has been described in the application for such license and the authorization has been approved by the Commission.

[2] Application for approval of kites, balloons and balloon inflating equipment may be made to the Commission.

connected to the transmitter storage battery shall be independently and properly fused.

(c) Details of lifeboat radio installation: The components and assembly of the entire installation shall insure, primarily, the utmost dependable operation, and the design shall be such that heavy vibration and physical shocks to which a lifeboat is subject will cause no damage. All components shall be housed and treated so as to withstand saline dampness for extended periods without damage and to minimize the adverse effect of prolonged exposure to salt water or salt spray. Storage batteries shall be mounted in cabinets that will provide protection from salt-water spray and also allow proper ventilation, subject to approval of the United States Coast Guard. Provision shall be made to protect the operator from the elements when the lifeboat is afloat in a heavy sea. Antenna lead-in insulators shall be of a type approved by the Commission. Auxiliary equipment and spare parts prescribed for motor lifeboat radio stations by § 8.235 shall be retained within the radio-equipped lifeboat at all times while the vessel is in active service.

(d) Lifeboat radio instructions: Instructions shall be plainly marked on the apparatus in sufficient detail which will inform inexperienced or uninstructed personnel how to place the radio equipment in operation and how to transmit appropriate signals for a sufficient period of time to enable vessels or land stations, within communication range and equipped with radio direction finders, to determine the position of the lifeboat.

§ 8.205 *Optional lifeboat radio installation.* Radio installations provided in lieu of the radio installation required by § 8.204, shall consist of an efficient and reliable emergency transmitter and an emergency receiver in good operating condition, an emergency power supply, an antenna wire and insulator assembly for use with a lifeboat sailing mast, an antenna wire and reel assembly for use with a balloon and a kite, an approved balloon, an approved container of gas for inflating the balloon, an approved kite, a ground system, an artificial antenna, and such auxiliary equipment and spare parts as are prescribed in §§ 8.235 (d) and (f), and shall comply with the following requirements:

(a) General requirements: (1) The transmitter, receiver and power supply shall be enclosed in a single container; *Provided*, That operational parts of these components not adversely affected by immersion in sea water need not be so enclosed; and not more than two containers shall be required to house the complete installation. The container enclosing the transmitter, receiver and power supply shall be water-tight and capable of withstanding complete submersion in sea water for a continuous period of two hours without leakage. This container shall be capable of withstanding this submersion with all manual operating controls and all indicating devices and instruments unprotected from contact with sea water. Any other container provided shall be of durable and splash proof construction. Suitable protection shall be provided for the operating controls, indicating devices and instruments, including the microphone and the head telephone(s), against physical harm from accidental or inadvertent blows, and from the adverse effects of prolonged exposure to the weather. The container enclosing the transmitter, receiver and power supply shall be durably constructed of steel or aluminum or alloys thereof, and shall be suitably protected against the adverse effects of sea water and saline dampness. Provision shall be made to protect the operator from the elements while the lifeboat is afloat in a heavy sea.

(2) The container housing the transmitter, receiver and power supply shall be provided with a noncorrosive cartridge type desiccator installed in a manner which will permit convenient inspection, maintenance and replacement.

(3) The physical dimensions and shape of the container(s) shall require the minimum amount of space consistent with the design of the equipment.

(4) The weight of the complete installation shall not exceed 160 pounds.

(5) The design and construction of the entire installation shall be such that no tools are required to place it in operation for routine tests or for emergency communication.

(6) All component parts used in the installation shall be of acceptable quality for marine service.

(7) The complete installation shall be efficient and reliable in its operation and shall be ruggedly constructed and capable of withstanding the shock and vibration to which a lifeboat may be subjected.

(8) Each installation shall be equipped with a durable name plate mounted on the transmitter, receiver, power supply or control panel, or made an integral part thereof, showing at least the following: The type or model number, the name of the manufacturer, the month and year of manufacture, and the rated power output for each frequency and each type of emission into each artificial antenna specified in § 8.205 (b) (1).

(9) Suitable printed instructions together with sketches covering the erection of the antenna(s) and operation of the equipment shall be permanently and conspicuously attached to the control panel or the surface of the transmitter, receiver and power supply container, or shall be made an integral part thereof. These instructions shall be as simple as possible consistent with the amount of detail required by an unskilled person to operate the equipment for automatic radiotelegraph communication and for radiotelephony. In addition, these instructions shall include sufficient information to permit an unskilled person to manually transmit the radiotelegraph distress signal "SOS" and the international auto-alarm signal and a statement that the latter signal is effective only if transmitted on the frequency 500 kilocycles. These instructions shall be durable and waterproof.

(10) Each installation shall be provided with a copy of an instruction manual covering the design, installation, operation and maintenance of the apparatus.

(b) The radio transmitter shall comply with the following requirements:

(1) Table:

Operating frequencies	Frequency tolerance	Type of emission	Mod. [1] percentage	Mod. frequency	Power output into long antenna [2]	Power output into short antenna [3]
500 kc	0.5%	A-2	Not less than 70	Not less than 450 nor greater than 1,250 c. p. s.	Not less than 5 watts.	Not less than 2 watts.
500 kc	.5%	A-3	Not less than 70 nor greater than 100.	400 to 3,000 c. p. s	Not less than 4 watts carrier.	Not less than 1.5 watts carrier.
8280 kc	.02%	A-1			Not less than 4 watts.	Not less than 3 watts.
8280 kc	.02%	A-3	Not less than 70 nor greater than 100.	400 to 3, 000 c. p. s	Not less than 4 watts carrier.	Not less than 3 watts carrier.

[1] The indicated modulation percentage shall be determined as the average of the modulation percentages of the positive and negative peaks.

[2] The indicated power output shall be developed on 500 kilocycles into an artificial antenna of 500 micromicrofarads capacitance and 15 ohms resistance and on 8280 kilocycles into an artificial antenna of 300 ohms resistance.

[3] The indicated power output shall be developed on 500 kilocycles into an artificial antenna of 100 micromicrofarads capacitance and 10 ohms resistance and on 8280 kilocycles into an artificial antenna of 50 ohms resistance.

(2) The transmitter radio frequency control circuits shall be pretuned to the required frequencies and shall be of such design and construction that the operating frequencies are maintained within the prescribed tolerances under varying antenna circuit characteristics and conditions of adjustment. The frequency control circuit adjustment(s) shall be securely locked to prevent detuning as a result of shock or vibration and shall not be readily available to the person using the transmitter.

(3) Controls shall be provided on the operating panel for efficient transfer of radio frequency energy at each required operating frequency to antennas having the following characteristics at 500 kilocycles: 80 to 750 micromicrofarads of capacitance and 10 to 20 ohms of resistance. An initial adjustment of these controls shall effectively resonate the antenna circuit at each required operating frequency and this condition shall be maintained without further adjustment of these controls during a normal operating period of the transmitter.

(4) Provision shall be made for keying the transmitter manually and by automatic means on 500 kilocycles and 8280 kilocycles. Provision shall be made for automatic transmission of the international distress signal "SOS", in one or more groups of three "SOS" signals, followed by a continuous dash not less than 12 seconds nor more than 20 seconds in duration. Provision shall be made for automatically changing the operating frequency of the transmitter from 500 kilocycles to 8280 kilocycles, and vice versa, with a frequency transfer time interval not to exceed five seconds so that the automatically keyed transmission sequence specified herein will take place

alternately on 500 kilocycles and 8280 kilocycles. The speed of automatic telegraph transmission shall not exceed 16 words per minute. Simple and reliable controls shall be provided so that the operator of the transmitter can quickly and conveniently place it in operation in accordance with any of the three required modes of transmitter operation; that is, manual radiotelegraph, automatic radiotelegraph, and manual radiotelephone operation, provided, that not more than one manual switch adjustment shall be made to place the transmitter in operation for automatic radiotelegraph transmission, and under this condition of operation the receiver shall be completely de-energized. The transmitter and the receiver, including their controls, shall be arranged mechanically and electrically so that they can be operated efficiently and conveniently from the same operating position for manual radiotelephone and manual radiotelegraph communication on the required operating frequencies and so that the time necessary to change from transmission to reception, and vice versa, on these frequencies is as short as possible and in no event more than ten seconds.

(5) The transmitter shall be equipped with reliable visual indicators (such as neon tubes) to indicate antenna resonance at each operating frequency with any antenna normally provided. Failure of these indicators shall have no effect on the actual operation of the transmitter.

(c) The emergency receiver shall comply with the following requirements:

(1) The receiver shall provide reception on the frequency 500 kilocycles and shall be capable of manual tuning between the frequencies 8100 and 8600 kilocycles for operation on the frequency 8280 kilocycles.

(2) The receiver shall be capable of responding to types A–2 and A–3 emission on the frequency 500 kilocycles and on all frequencies in the range 8100 to 8600 kilocycles.

(3) The sensitivity of the receiver shall be such that at least 6 milliwatts of audio power is developed in a non-inductive load resistor having an ohmic value equal to the value of the load resistance into which the output audio amplifier stage is designed to operate, at a signal to noise power ratio of not less than 10 to 1 when the receiver is supplied through the appropriate artificial antennas specified in § 8.205 (b) (1) with the following radio frequency signals:

Frequency kilocycles	Signal strength microvolts	Modulation factor	Modulation frequency
500	25	0.3	400 c. p. s.
8280	100	.3	400 c. p. s.

The noise power present in the output of the receiver when the receiver is adjusted for reception of types A–2 and A–3 emission on the frequencies 500 kilocycles and 8280 kilocycles shall be determined with an unmodulated input signal of the indicated strength.

(4) The receiver shall be equipped with only one manually operated volume control. The effect of this control together with an automatic sensitivity control circuit, if used, shall permit the receiver to operate normally without overload when an input signal of one volt modulated 30 per cent at 400 cycles per second is applied to the receiver input terminals through the appropriate artificial antennas specified in § 8.205 (b) (1).

(5) The receiver shall be capable of a maximum "undistorted" audio frequency output power of 10 milliwatts.

(6) The over-all electric fidelity of the receiver shall be such that with a zero decibel 1000 cycle reference the maximum response deviation at any frequency between 400 and 2000 cycles per second will not exceed 4 decibels.

(7) The selectivity of the receiver shall be at least as follows:

Ratio of input voltage off resonance to input voltage at resonance	500 kilocycle band width	8280 kilocycle band width
10	20 kc.	30 kc.
100	40 kc.	60 kc.
1000	60 kc.	90 kc.

(d) The emergency power supply shall comply with the following requirements:

(1) The source of power shall be a manually operated electric generator capable of efficiently energizing the lifeboat radio installation.

(2) The mechanical power applied to the crank handle(s) or the propelling lever(s) of the generator driving mechanism shall not exceed a maximum of 0.15 horsepower for any required condition of operation of the lifeboat radio installation at any temperature of the generator and its associated driving mechanism between minus 30 degrees and 125 degrees fahrenheit. Under these conditions the speed of rotation of the crank handle(s) shall not be greater than 70 revolutions per minute or the cycle of operation of the propelling lever(s) shall not be greater than 70 cycles per minute.

(3) The voltages applied to the radio installation shall not vary from their normal values more than 20 percent at any generator speed in excess of the normal operating speed which can be manually developed.

(e) The antenna assemblies shall comply with the following requirements:

(1) The antenna assembly required for use with a balloon and a kite shall consist of a reliable reel constructed of materials resistant to the corrosive effects of sea water and saline dampness, containing 300 feet of flexible stranded or braided copper or copper alloy wire of high conductivity having a tensile strength of not less than 60 pounds. This wire shall be securely fastened at one end to the reel and effectively insulated electrically. If an insulating cord is used it shall have a tensile strength at least equal to that of the antenna wire, and the material(s) used therein shall be such that the cord is not weakened by kinking or wetting. This reel shall be associated with the container housing the transmitter, receiver and power supply in a manner which will provide mechanical protection and protection from the weather to the reel, and shall be designed and mounted in a manner which will permit convenient unwinding and rewinding of the antenna wire. Means shall be provided for conveniently and effectively connecting the antenna wire to the proper radio installation antenna terminal.

(2) The required balloon when inflated with gas shall be capable of effectively supporting the 300-foot antenna wire and shall comply with the requirements of § 8.209.

(3) The required container of gas shall be capable of effectively inflating the balloon, and shall comply with the requirements of § 8.209.

(4) The required kite shall be capable of effectively supporting the 300-foot antenna wire, and shall comply with the requirements of § 8.208.

(5) The required antenna assembly for use with a lifeboat sailing mast shall consist of a length of not less than 40 feet of No. 10 stranded copper wire having at least 80 strands, with the antenna insulators necessary for effective insulation of the antenna when used with a lifeboat sailing mast.

(f) The ground system shall comply with the following requirements:

(1) The radio installation when installed in a metal hull lifeboat shall be effectively grounded to the hull of the lifeboat. This ground connection shall be physically located in a position where it is inaccessible to the normal movement of occupants or accessories in the lifeboat.

(2) The radio installation when installed in a lifeboat having a non-metallic hull shall be provided with a grounding conductor consisting of a length of not less than 20 feet of No. 10 bare stranded copper wire or equivalent copper braid effectively weighted at one end for immersion in the sea. This conductor shall be securely fastened to an effective ground terminal on the radio installation.

(g) The artificial antenna shall comply with the following requirements:

(1) The artificial antenna shall provide a reliable load for the transmitter, for test purposes at the frequencies 500 kilocycles and 8280 kilocycles, of approximately the same electrical characteristics as the mast supported antenna required by §§ 8.201 to 8.209.

(2) The artificial antenna shall be housed in a single container and provided with appropriate terminals for the necessary characteristics. If more than two terminals are provided on the artificial antenna, all the terminals shall be properly labeled. The physical dimensions of this container shall permit convenient storage of the unit in one of the containers specified in § 8.205 (a) (1).

§ 8.206 *Departure from requirements.* Any departure from the requirements of §§ 8.203 (c), 8.204, and 8.205 will be considered by the Commission only upon a satisfactory showing that such departure will not reduce the required efficiency, reliability and effectiveness of the installation.

REQUIREMENTS FOR LIFEBOAT ANTENNA KITES, ANTENNA BALLOONS AND ASSOCIATED EQUIPMENT [1]

§ 8.208 *Lifeboat antenna kites* — (a) *Material*—(1) *Frame.* The frame may be of wood or of metal. It must be strong and be collapsible or be easily disassembled for storage. If of wood, the wood must be treated to prevent absorption of water, unless it naturally does not take up much water. If of metal, all the metal parts must be treated with a corrosion resistant finish, unless they are of noncorrodible material.

(2) *Cloth.* The cloth shall be of a strong and durable material. It shall have a thread count in warp and fill of not less than 115 and a tensile strength (grab method) of not less than 30 pounds in warp and fill. The material shall be fast dyed a bright yellow. The cloth shall be adequately treated so as to be water repellent. The finished cloth shall not be stiff or tacky even under wide ranges of temperatures.

(3) *Bouyant material.* The kite, when assembled for flying, must be bouyant. Any bouyant material added must be securely fastened to the kite and not seriously interfere with its flight.

(b) *Details* — (1) *Dimensions and shape.* The kite may be of any desired shape, such as box, etc., provided it can be easily assembled and handled.

(2) *Antenna connector.* Each kite shall be provided with a strong and secure means for the attachment of the antenna to the kite.

(3) *Instructions.* Each kite shall be accompanied by a set of instructions written in simple and clear language so that a person may assemble and fly the kite even though he may have had no previous experience with kites.

(4) *Container.* Each kite shall be packed in a rigid and sealed container. The container shall be as small as possible and shall be rigid enough to protect the kite even though it may be stepped upon by persons getting in a lifeboat. The container shall be easy to open and not require the use of tools. A metal tear-strip with a key removably soldered to the top is acceptable. The provision is not applicable if the kite is stowed in a watertight compartment with other components of the radio installation.

(5) *Marking.* Each container shall be permanently marked to show the contents, the name of the manufacturer, the place of manufacture, the date of packing, and the model number of the kite.

(c) *Tests.* Any samples or manufactured kites may be subjected to such tests as may be necessary to determine whether they are suitable for the purpose intended. Among the tests that may be performed are:

(1) *Storage test.* One year storage aboard ship or in a laboratory in which the container containing the kite may be subjected to Fahrenheit temperatures between 70 degrees below zero to 150 degrees above zero.

(2) *Use test.* The kite shall be removed from its container and sent aloft at Fahrenheit temperatures between 30 degrees below zero to 140 degrees above zero. The kite shall function properly and the cloth shall show no signs of serious cracking, brittleness, tackiness or other evidence of deterioration.

(3) *Launching test.* The kite shall be assembled, the antenna wire attached, and successfully launched by a person sitting in a lifeboat, the wind being of a velocity between 7 and 10 miles per hour.

(4) *Lift test.* The kite shall raise and hold aloft in even flight an antenna approximately 300 feet long and weighing approximately 12 ounces. It shall maintain its flight at an angle of not less than 30 degrees in a wind of not more than 10 miles per hour.

§ 8.209 *Balloons and balloon inflating equipment*—(a) *Material.* The balloon may be constructed of any gas impermeable flexible material that can be relied upon to stand storage for long periods in a folder condition and will also withstand the effect of sunlight, temperature change, humidity, etc., likely to be encountered at sea. The material must be of such a nature that it can be easily packed, together with the valve and other gas filling fittings, into a rigid container of not more than 70 cubic inches capacity.

(b) *Gas.* The gas to be used for inflating the balloon must be non-inflammable and at the same time provide adequate buoyancy. The gas shall be furnished in a strong steel cylinder having an over-all length of not over 30 inches and a diameter of not over 8 inches. A quantity of gas sufficient to inflate the balloon to a volume of 40 to 44 cubic feet shall be furnished in the steel cylinder. In lieu of a steel cylinder filled with gas, a gas generator may be furnished. The generator must be fireproof and the gas generated must not be of a flammable or explosive nature. A fitting or other means shall be supplied with the cylinder or the generator so that the balloon may be quickly and easily inflated and without excessive loss of gas, even by an inexperienced person. Neither the gas cylinder, together with its gas, nor the gas generator, together with its chemicals shall weigh over 25 pounds.

(c) *Details* — (1) *Dimensions and shape.* If spherical, the balloon shall be aproximately 48 inches in diameter when inflated so as to provide a buoyancy of 20 ounces available for supporting an antenna. The balloon may be of any desired shape provided it supplies the 20 ounce lift. The use of fins or other means for providing stable flight of the balloon during windy periods is acceptable provided that the balloon can be packed away easily in the 70 cubic inch container.

(2) *Antenna connection.* Each balloon shall be provided with a strong and secure means for the attachment of the antenna to the balloon.

(3) *Valve.* Each balloon shall be fitted with a valve which will allow the balloon to be filled with gas in a quick and simple manner. If a gas generator is provided, the fitting shall be of such a nature that the balloon may be drained of any liquid that may have collected inside. Any metal parts of the valve must be made of noncorrodible material.

(4) *Instructions.* Simple, clear and concise instructions shall accompany each balloon so that a person who has never operated one before may successfuly inflate it without injury to the balloon or excessive loss of gas. The instructions may be made in a permanent manner on the outside of the container.

(5) *Container.* Each balloon shall be packed in a rigid airtight container. The container shall not exceed 70 cubic inches capacity nor shall it be over 6 inches in any one dimension. Preferably, the container shall be fitted with an inert gas so as to preserve the balloon. The can must be easy to open. A metal tear-strip around the top with a key removably soldered to the top is satisfactory.

(6) *Marking.* Each container shall be marked to show the contents, the name of the manufacturer, the place of manufacture, the date of packing, and the model number of the balloon.

(d) *Tests.* Any samples or manufactured balloons may be subjected to such tests as may be necessary to determine whether they are suitable for the purpose intended. Among the tests that may be performed are:

(1) *Storage test.* One year storage aboard ship or in a laboratory in which the container containing the balloon may be subjected to Fahrenheit temperature between 70 degrees below zero to 150 degrees above zero.

(2) *Use test.* The balloon shall be removed from its container and inflated and sent aloft at Fahrenheit temperatures between 30 degrees below zero to 140 degrees above zero. The balloon shall function properly and show no signs of serious cracking, tackiness, stickiness or other evidences of deterioration.

(3) *Lift test.* The balloon shall be inflated with about 35 cubic feet of helium gas so as to inflate the balloon to its regular size. It shall then support an antenna of approximately 300 feet length and weighing approximately 12 ounces at an angle of not less than 30 degrees from the horizontal during a wind of not over 15 miles per hour. In the above lift tests, the balloon shall maintain the antenna aloft for 48 hours without further addition of gas.

2. Former paragraph (f) of § 8.235 is deleted and former paragraph (g) is redesignated (f) and amended to read as follows:

§ 8.235 *Additional spare parts in general.* * * *

(f) *Optional lifeboat radio installations provided in accordance with § 8.205 for use in lifeboats (spare parts).* (1) One electron tube of each type used for normal operation of the radio installation in accordance with the requirements governing the installation, including neon or any other type of tube or lamp employed as resonance indicator(s).

(2) Six fuses of each type used which shall be of the same rating and interchangeable therewith;

(3) Where a kite and balloon are used for an antenna support, one spare 300-foot length of antenna wire of the type

[1] The Commission's requirements for lifeboat antenna kites, antenna balloons and associated equipment, promulgated on August 22, 1944, are amended and codified as set forth in §§ 8.208 and 8.209. Application for approval of kites, balloons and balloon inflating equipment, may be made to the Commission.

used which shall be of the same rating and interchangeable therewith.

It is further ordered, That for the reasons set out above, this order should be, and is hereby made effective September 1, 1947.

(Sec. 303 (r), 50 Stat. 191, 355, 50 Stat. 194, 356, 50 Stat. 194; 47 U. S. C. 303 (r), 355, 356)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 47-8069; Filed, Aug. 28, 1947; 9:25 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

FIELD ORGANIZATION

1. In § 01.23 (11 F. R. 177A-209) the existing text is designated paragraph (a) and paragraph (b) is added as follows:

§ 01.23 *Special offices.* (a) * * *

(b) The Office of Foreign Activities maintains an office at Manila, Luzon, Republic of the Philippines, for the conduct of the field work of the Philippine Fishery Program pursuant to section 309 of the act approved April 30, 1946 (60 Stat. 128, 138). This Office reports directly to the Director of the Fish and Wildlife Service.

2. The following is added to § 01.51 *Director* (11 F. R. 177A-209):

(h) To enter into contracts for construction, supplies or services irrespective of the amount involved, unless the Secretary by written order published in the FEDERAL REGISTER specifically prescribes otherwise; to redelegate such authority to subordinate officials and employees of the Service, to the Property and Procurement Officer of the Department, or to the Purchasing Officer, Alaska-Seattle Service Office; and except in cases in which the Director is the contracting officer, to act as the authorized representative of the Secretary of the Interior with respect to certain contracts (43 CFR 4.100; 12 F. R. 4115).

3. A new section is added as follows:

§ 01.60 *Delegations of authority by director*—(a) *Contracts for procurements.* The officials and employees designated in this section are authorized to enter into contracts for construction, supplies or services, limited to the amounts indicated in each case, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. The officials and employees so authorized may with respect to any such contract issue change orders and extra work orders pursuant to the contract, enter into modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized. All other delegations or redelegations relating to the same subject matter have been revoked.

(1) Headquarters Organization: Chief, Branch of Administration and Chief, Division of Finance and Procurement, unlimited as to amount; and Purchasing Officer, Division of Finance and Procurement, $10,000.00.

(2) Regional Offices: Region 1, Regional Director, Assistant Regional Director, Administrative Officer, and Assistant Administrative Officer; Regions 2 to 5, Regional Director, Assistant Regional Director, and Administrative Officer; and Region 6, Regional Director, and Administrative Officer: $10,000.00.

(3) Other Field Offices: Administrator, and Administrative Officer, Philippine Fishery Program, Manila, Luzon, Republic of the Philippines, $10,000; General Manager, Assistant General Manager, and Administrative Officer, Pribilof Islands, Seattle, Washington, $5,000; Manager, Pocatello Supply Depot, Pocatello, Idaho; and Liaison Officer, Philippine Fishery Program, San Francisco, California, $1,000.

(Secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C. Sup., 1002, 1011)

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 47-8043; Filed, Aug. 28, 1947; 8:47 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

PORTABLE EMERGENCY RADIO EQUIPMENT FOR SHIPS AND LIFEBOATS

COMMISSION STUDYING DESIRABILITY

AUGUST 22, 1947.

The Commission on August 21, 1947, adopted amendments to Part 8 of its rules and regulations governing ship service for the purpose of deleting therefrom provisions with respect to lifeboat radio installations which became obsolete when, at the conclusion of hostilities, the U. S. Coast Guard cancelled certain lifeboat radio requirements. The effect of this action is to permit those ships which are required by the Safety of Life at Sea Convention or by the Coast Guard to carry lifeboat radio installations to have either one or two possible non-portable types of installations. One type of installation is the same as that permitted before the war. The other type of installation is one of the types of non-portable installations which was permitted during the war for use in lieu of a portable installation.

The Commission recognizes the importance from the safety standpoint of having adequate radio installations on board ship. In this connection, it is considered possible that portable radio installations should be permitted or required as part of the emergency equipment including the lifeboat radio equipment. The data available at this time are insufficient to afford a basis for a final conclusion in this matter and, therefore, the Commission through its Special Marine Safety Survey Group and in cooperation with other interested departments and agencies of the government and other interested persons is conducting a study to determine the facts and to ascertain whether recommendations should be made regarding any changes in the applicable treaties, laws and regulations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 47-8065; Filed, Aug. 28, 1947; 9:25 a. m.]

[Docket No. 8230]

RCA COMMUNICATIONS, INC., ET AL.

CHARGES FOR COMMUNICATIONS SERVICE BETWEEN THE UNITED STATES AND OVERSEAS AND FOREIGN POINTS; ORDER EXTENDING TIME

The Commission, having under consideration two telegraphic requests filed on August 19, 1947, one on behalf of RCA Communications, Inc., and the other on behalf of All America Cables and Radio, Inc., The Commercial Cable Company, Mackay Radio and Telegraph Company and Commercial Pacific Cable Company, pursuant to § 1.894 of the Commission's rules and regulations, for an extension of time to August 29, 1947, within which to file a petition for reconsideration of the Commission's report and order (T-47) herein;

It is ordered, This 20th day of August 1947, that the above-described requests are granted and that the time within which the above-named carriers may file petitions for reconsideration of the Commission's report and order (T-47) herein is extended to August 29, 1947.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 47-8068; Filed, Aug. 28, 1947; 9:25 a. m.]

[Docket No. 8483]

ACME BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Acme Broadcasting Company, Elizabethtown, Ken-

tucky, Docket No. 8483, File No. BP 5941, for construction permit.

At a session of the Federal Communications Commission held at Atlantic City, New Jersey, on the 28th day of July 1947;

The Commission having under consideration the above-entitled application for Construction Permit for a new standard broadcast station to operate on 1450 kc, 250 w power, unlimited time, at Elizabethtown, Kentucky;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of The Acme Broadcasting Company be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WLAP, Lexington, Kentucky, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That American Broadcasting Corporation, licensee of Station WLAP, Lexington, Kentucky, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-8067; Filed, Aug. 28, 1947; 9:25 a. m.]

[Docket No. 8498]

SAMUEL R. SAGUE (WSRS)

ORDER DESIGNATING APPLICATION FOR HEARING

In re application of Samuel R. Sague (WSRS), Cleveland Heights, Ohio, Docket No. 8498, File No. BMP-2650, for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of August 1947;

The Commission having under consideration the above-entitled application for modification of constructoin permit to specify a transmitter site and antenna system, said application having been filed in accordance with the condition in the grant, after hearing, of the applicant's application (File No. BP-4377; Docket No. 7176) for a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, in Cleveland Heights, Ohio;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application for modification of construction permit be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, to determine whether the proposed transmitter site and antenna system would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-8066; Filed, Aug. 28, 1947; 9:25 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-826]

MINNESOTA NATURAL GAS CO. AND NORTHERN NATURAL GAS CO.

NOTICE OF POSTPONEMENT OF HEARING

AUGUST 25, 1947.

In the matter of Minnesota Natural Gas Company, complainant, v. Northern Natural Gas Company, defendant.

Notice is hereby given that the hearing in the above-docketed matter heretofore set to reconvene on September 8, 1947, is postponed to a date to be hereafter determined and fixed.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-8045; Filed, Aug. 28, 1947; 8:45 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5484]

CLAY SEWER PIPE ASSN., INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of August A. D. 1947.

In the matter of Clay Sewer Pipe Association, Inc., American Vitrified Products Company, The Brockway Clay Company, The Clay City Pipe Company, Dennison Sewer Pipe Corporation, The Evans Pipe Company (the estate of T. T. Evans and the estate of Eugene Evans, co-partners), Graff-Kittaning Clay Products Company, Grand Ledge Clay Product Company, The Junction City Clay Company, The Kaul Clay Manufacturing Company, The Logan Clay Products Company, Patton Clay Manufacturing Company, The Peerless Clay Manufacturing Company, The Robinson Clay Product Company, The Ross Clay Products Company, St. Mary's Sewer Pipe Company, Stillwater Clay Products Company, The Stratton Fire Clay Company, Superior Clay Corporation, The Union Clay Manufacturing Company, and Universal Sewer Pipe Corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, September 4, 1947, at one o'clock in the afternoon of that day (eastern standard time), in Room 332, Federal Trade Commission Building, Washington, D. C.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-8061; Filed, Aug. 28, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 276]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., August 19, 1947, by Chas Abbate, of car FGE 51914, peaches, now on the Chicago Produce Terminal to Ishpeming, Mich.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-8057; Filed, Aug. 28, 1947; 8:46 a. m.]

[S. O. 396, Special Permit No. 278]

RECONSIGNMENT OF CAR AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Missouri, by Helm and Company, of car PFE 43315, now on the Mo. Pac. to C. S. Robinson, St. Louis, Mo., via Mo. Pac.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of August 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-8058; Filed, Aug. 28, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 4-63, 68-84]

MARKET STREET RAILWAY CO. ET AL.

ORDER EXTENDING PERIOD OF PROHIBITION OF CERTAIN PAYMENTS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 21st day of August 1947.

In the matter of Market Street Railway Company, Standard Gas and Electric Company and certain of its subsidiary companies, File No. 4-63; Russell M. Van Kirk, Bloomfield Hulick, Edmund T. Willets, committee for the Market Street Railway Company Prior Preference Capital Stock; File No. 68-84.

The Commission having on May 20, 1947 pursuant to sections 11 (a), 18 (a) and 18 (b) of the Public Utility Holding Company Act of 1935 issued its order (Holding Company Act Release No. 7425) providing, among other things, that Market Street Railway Company ("Market Street"), a subsidiary of Standard Gas and Electric Company ("Standard Gas"), a registered holding company, shall make no payments to Standard Gas of money or other property until the date of hearing in the above-entitled matter fixed in said order and the expiration of a period of 60 days thereafter without approval of the Commission, all as more fully set forth in said order; and

Hearings in the above-entitled matter having been held from time to time and being presently in adjournment until August 27, 1947; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the period fixed in the Commission's order of May 20, 1947 during which Market Street shall make no payments to Standard Gas of money or other property should be extended until the expiration of a period of 60 days following the date upon which the record in the above-entitled matter is closed:

It is ordered, That the period of time fixed in the order of the Commission dated May 20, 1947 during which Market Street shall make no payments to Standard Gas of money or property, all as more fully set forth in said order of May 20, 1947, be, and it hereby is, extended until the expiration of a period of 60 days following the date upon which the record in the above-entitled matter is closed.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8049; Filed, Aug. 28, 1947; 8:45 a. m.]

[File Nos. 54-75, 59-20, 59-8, 54-161]

COMMONWEALTH & SOUTHERN CORP. (DELAWARE) ET AL.

NOTICE OF FILING OF PLAN AND NOTICE OF AND ORDER RECONVENING HEARINGS IN CONSOLIDATED PROCEEDINGS TO CONSIDER PLANS HERETOFORE OR HEREAFTER FILED

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 22d day of August 1947.

In the matter of The Commonwealth & Southern Corporation (Delaware), File No. 54-161; The Commonwealth & Southern Corporation (Delaware), respondent, File No. 59-20; The Commonwealth & Southern Corporation (Delaware) and its subsidiary companies, respondents, File No. 59-8; The Commonwealth & Southern Corporation (Delaware), File No. 54-75.

Notice is hereby given that The Commonwealth & Southern Corporation ("Commonwealth") has filed with the Commission pursuant to section 11 (e) of the act a Plan dated July 30, 1947, for compliance with sections 11 (b) (1) and 11 (b) (2), and in substitution for Commonwealth's plan dated March 25, 1946. Commonwealth's application for approval of the Plan states that the Plan has been filed in anticipation of the consummation of the transfer of its investments in the common stocks of certain subsidiary companies, as hereinbelow mentioned, to The Southern Company ("Southern"), a newly organized holding company.

The Plan provides, in substance, for the distribution to the holders of Commonwealth's Preferred Stock of a portion of its assets consisting of cash and common stocks of Consumers Power Company ("Consumers") and Central Illinois Light Company ("Central Illinois"), for the distribution to holders of its Common Stock of Commonwealth's portfolio common stocks of Ohio Edison Company ("Ohio Edison") and Southern and, after the payment of all of Commonwealth's liabilities and expenses, its remaining assets, in kind or in cash, and for the dissolution of Commonwealth.

Commonwealth has outstanding 1,441,247 shares of $6 Series Cumulative Preferred Stock without par value which has a preference in event of voluntary or involuntary liquidation of $100 per share and accrued unpaid dividends and is redeemable at the option of the company at $110 per share and accrued unpaid dividends. Giving effect to the payment of a dividend of $3 per share heretofore declared but not yet paid on Commonwealth's Preferred Stock, cumulative dividends in arrears on such Preferred Stock as of September 30, 1947 will amount to $20 per share. Commonwealth also has outstanding 33,673,328-71/1200 shares of Common Stock without par value and Option Warrants entitling holders to purchase at any time, at $30 per share, a total of 17,588,956-373/1200 shares of Commonwealth's Common Stock.

Commonwealth and Southern have heretofore filed a plan under section 11 (e) providing, among other things, for the transfer to Southern of cash and Commonwealth's investments in the common stocks of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah River Electric Company, and the issuance of its common stock by Southern to Commonwealth in exchange therefor. On August 1, 1947, this Commission approved such plan, subject to certain conditions (Holding Company Act Release No. 7615).

All interested persons are referred to the Plan dated July 30, 1947 which is on file in the office of this Commission for a full statement of the transactions therein proposed, which are summarized as follows:

1. As soon as practicable after the effective date of the Plan, Commonwealth will be dissolved and, after payment of dividends on the Preferred Stock as described in paragraph 2 below, will make

the following distributions in complete liquidation:

(a) To the holders of Commonwealth's Preferred Stock, in full satisfaction of all rights with respect thereto after payment of dividends thereon as hereinafter described, for each share of Preferred Stock

2.52 shares of common stock of Consumers.
0.55 shares of common stock of Central Illinois.

(b) To the holders of its Common Stock, as a primary distribution, for each share thereof, the pro rata part applicable to each such share, to the nearest fraction deemed practical by Commonwealth, of the shares of common stock owned by Commonwealth of Ohio Edison and Southern.

(c) To the holders of its Common Stock pro rata, from time to time, after payment of all liabilities and expenses incidental to the Plan, all of the remaining assets of Commonwealth, or the proceeds of sale or other disposition thereof, in cash or, within two years after the effective date of the Plan, in kind, in full satisfaction of all rights with respect thereto, *Provided however*, That Commonwealth reserves the right to invest any of its cash or other assets in the securities of any of the companies which are its directly owned subsidiaries on the date for the distributions under paragraphs (a) and (b) above.

2. After payment of the dividend of $3 per share on its Preferred Stock declared on July 30, 1947, Commonwealth will pay from time to time, pending consummation of the Plan and not later than the Distribution Date referred to below, dividends on its Preferred Stock at the rate of $6 per share per annum from October 1, 1947 to the Distribution Date and, in addition, a total of $6 per share on account of dividends on Preferred Stock accrued and unpaid at September 30, 1947. On this basis, as of the Distribution Date, the dividends accrued and unpaid on the Preferred Stock will amount to $14 per share.

3. The date for the distributions ("Distribution Date") under paragraphs 1 (a) and 1 (b) above shall be the first day of the first quarterly dividend period on Commonwealth's Preferred Stock commencing after the effective date of the Plan. The date for a distribution in kind under paragraph 1 (c) shall be the date fixed for such distribution by Commonwealth. The Distribution Date shall also be deemed to be the date of dissolution of Commonwealth.

4. Distributions on the Preferred Stock will be made only upon surrender for cancellation of certificates for Preferred Stock. Distributions, other than the final one, on shares of Common Stock will be made only upon surrender of Common Stock certificates for stamping; the final distribution on the Common Stock will be made only upon surrender of Common Stock certificates for cancellation.

5. In the event that any certificates for Preferred Stock or Common Stock are not surrendered within two years from the date for a distribution determined in the manner described herein, the common stocks to which the holders of such certificates would be entitled will be sold, in accordance with such terms as may be approved or accepted by the Commission. The proceeds therefrom, together with any dividends paid on such shares subsequent to the date for distribution thereof and prior to such sale, will be held until the end of the five year period commencing with the Distribution Date, for the benefit of and payment to unsurrendered certificates of Preferred Stock or Common Stock, as the case may be, payable according to the respective rights thereof.

6. Any stockholder receiving a distribution pursuant to paragraphs 1 (a) or 1 (b) above will also be paid in cash the amount of any dividends received by Commonwealth on such distribution after the Distribution Date. Any stockholder receiving a distribution in kind under paragraph 1 (c) above will be paid in cash the amount of any dividends received by Commonwealth on such distribution after the date fixed by Commonwealth for such distribution.

7. No fractional shares will be issued but, in lieu thereof, non-dividend paying non-voting scrip in bearer form will be issued if so requested in writing. If no such request is made, such fractional shares will be sold on the open market from time to time as there are accumulated a number of full shares which may be handled economically, and the proportionate share of the net proceeds thereof will be remitted to the persons entitled thereto.

To the extent that scrip certificates are issued upon written request, certificates of stock represented thereby will be delivered to a scrip agent designated by Commonwealth. Such scrip agent will hold such shares of stock, subject to the rights of holders of scrip, and will receive any dividends which may be paid thereon. As more fully set forth in the plan, holders of scrip will be entitled, on presentation of scrip representing one or more full shares, to receive the shares of stock represented thereby, and any dividends thereon received by the scrip agent, provided the scrip is presented within two years from the date of distribution of the stock represented thereby. After the expiration of two years from the date for a distribution, the scrip agent will sell shares of stock represented by scrip certificates and, for a further period of three years, will hold the cash proceeds from such sale, subject to the rights of holders of scrip.

Commonwealth may at its option, in accordance with such terms, conditions and procedures as are approved by the Commission, buy and sell any shares or fractions thereof at prevailing market prices for the purpose of carrying out any provisions of the Plan providing for the disposition of or otherwise relating to fractional shares.

8. All expenses incident to distributions in cash or common stocks and original issue of scrip will be paid by Commonwealth, and all expenses of the scrip agent incident to holding common stocks, or the sale thereof, or the receipt or holding of dividends thereon, or the distributions to the holders of scrip certificates, will be paid out of such dividends and proceeds of the sale.

9. Any cash remaining unclaimed by holders of Commonwealth's Preferred or Common Stocks or by holders of scrip certificates who have not surrendered their stock certificates or scrip as aforesaid within the prescribed periods will become the property of Southern, and the holders of such stock certificates or scrip will have no right to, or claim against, such funds and thereafter such certificates shall be null and void.

10. No provision is made in the Plan for the continuance of the rights of Commonwealth's Option Warrants and, upon dissolution of Commonwealth, such Option Warrants shall be null and void.

11. As more fully set forth in the Plan, existing service contracts with Commonwealth's service company will be cancelled by any public utility subsidiary of Commonwealth (including Pennsylvania Power Company upon the dissolution of the common stock of Ohio Edison) following the disposition by Commonwealth under the Plan of not less than 75% of the common stock thereof, and such subsidiary will surrender the stock of the service company owned by it. The Plan contemplates that thereafter such public utility company may obtain certain services from the service company upon request of the directors thereof and may, subject to the Commission's approval, contract with the service company for certain other types of service.

No person who is an officer or director of Commonwealth, The Southern Company or of the service company on the 31st day after 75% of the common stock of any company (other than Southern) has been disposed of by Commonwealth under the Plan shall be at that time an officer or director of such divested company or be eligible for election as a director or officer of such divested company at the next annual meeting thereof, and thereafter there shall not be any officers and directors common to Commonwealth, Southern and their subsidiary companies, including the service company, on the one hand, and such divested company on the other hand. However, the foregoing restriction as to common officers and directors shall not prevent specified persons who are officers or directors of Commonwealth or Southern, or any of its subsidiary companies including the service company, from being officers or directors of any such divested company for such period or periods subsequent to the time aforesaid as may, on application, be approved by the Commission.

12. Commonwealth will pay such fees and remuneration for services rendered and make reimbursement for proper costs incurred in connection with the Plan, and related proceedings, as the Commission shall finally determine, award, allow or allocate upon application of any interested person.

13. The consummation of the Plan is subject to the following conditions:

(a) That the Commission shall find the Plan as submitted or as amended, necessary to effectuate the provisions of subsection (b) of section 11 of the act and fair and equitable to the persons affected thereby and shall issue an order approving the Plan and that such order

shall contain the recitals required by sections 371 (f) and 1808 (f) of the Internal Revenue Code;

(b) That the Commissioner of Internal Revenue shall have made certain determinations as more fully set forth in the Plan; and

(c) That a District Court of the United States, upon application of the Commission, shall have issued an appropriate order to enforce and carry out the terms and provisions of the Plan, which order shall no longer be subject to review.

14. As soon as practicable after the Commission has approved the Plan, and all other conditions precedent to the consummation of the Plan have been satisfied, the Board of Directors of Commonwealth shall by resolution declare the Plan effective. For all purposes of the Plan, the effective date of the Plan shall be the date fixed in such resolution.

The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find after notice and opportunity for hearing that the plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected thereby, and it appearing appropriate to the Commission that notice be given and a hearing be held upon the Plan filed by Commonwealth, to afford all interested persons an opportunity to be heard with respect thereto; and

The Commission by order dated July 8, 1946 (File Nos. 59–20, 59–8 and 54–75—Holding Company Act Release No. 6745) having, among other things, provided an opportunity for hearing pursuant to section 11 (d) with respect to certain plans for the reorganization of Commonwealth or suggestions therefor filed with the Commission pursuant to its memorandum opinion dated January 24, 1946 (Holding Company Act Release No. 6381) by persons purporting to have a bona fide interest in the reorganization, and a public hearing having been held on September 10, 1946 and having been adjourned; and

It appearing to the Commission that the hearing in such proceedings insofar as they relate to plans pursuant to section 11 (d), should be reconvened and that the issues presented under section 11 (d) and by the Plan filed by Commonwealth involve common questions of law and fact and should be consolidated and heard together; and

It further appearing to the Commission that the record made on September 10, 1946, in the aforementioned proceedings relating to section 11 (d) designated as File Nos. 59–20, 59–8 and 54–75, and that the records heretofore concluded in proceedings designated as File Nos. 70–1322 and 54–151 and relating, among other things, to the issuance of additional common stock by Consumers, and to a plan submitted by Commonwealth providing for the exchange of a portion of the common stocks of Consumers, Ohio Edison and Southern Indiana Gas and Electric Company for a portion of Commonwealth's Preferred Stock, contain evidence that may have a bearing upon the issues presented by the Plan, and that a substantial saving of time and expense will result if the evidence adduced in said proceedings is used in connection with the consideration of the issues raised by the Plan:

It is ordered, That the proceedings with respect to the Plan be consolidated with the aforesaid proceedings (File Nos. 59–20, 59–8 and 54–75) insofar as they relate to plans under section 11 (d) filed pursuant to the memorandum opinion of the Commission dated January 24, 1946 (Holding Company Act Release No. 6381) and that the portion of the record in the latter proceedings made on September 10, 1946, be, and hereby is, incorporated into the record of the proceedings on the aforesaid Plan and that all of the record in the proceedings designated as File Nos. 70–1322 and 54–151 be, and hereby is, incorporated into the record of the proceedings on the aforesaid Plan subject, however, and without prejudice to the Commission's right, upon its own motion or the motion of any interested participant, to strike such portion of the records in respect of said prior proceedings as may be deemed incompetent or irrelevant to the issues raised in the proceeding on the Plan.

It is further ordered, That a hearing under the applicable provisions of the act and rules thereunder be held in these consolidated proceedings at 11 a. m., e. s. t., on the 8th day of October, 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in Room 318. In the event that amendments to the Plan are filed during the course of said proceedings, no notice of such amendments will be given unless specifically ordered by the Commission. Any person desiring to receive further notice of the filing of any additional plans or amendments should request such notice of Commonwealth or should file an appearance in these proceedings. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before September 29, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act, and to a trial examiner under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the Plan and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the aforementioned Plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b) of the act, is fair and equitable to the persons affected thereby and is in conformity with the requirements of the Commission's order of April 9, 1942.

2. Whether the distributions to the holders of Commonwealth's Preferred and Common Stocks proposed in the Plan are fair and equitable or whether such distributions should be modified so as to provide a greater or smaller distribution to any class of Commonwealth's stock, or to provide for a distribution to holders of Commonwealth's Option Warrants.

3. Whether it is necessary to impose any terms or conditions with respect to servicing arrangements, interlocking officers or directors, and other intercompany relationships or transactions.

4. Whether the proposed accounting treatment in connection with the proposed Plan is appropriate and in accordance with sound accounting principles.

5. Whether the fees, expenses and remuneration which may be claimed in connection with the Plan and related proceedings are for necessary services and are reasonable in amount.

6. Whether and to what extent the Plan, as submitted or as amended, should be modified, or terms and conditions imposed, to ensure adequate protection of the public interest and the interests of investors and consumers and to prevent circumvention of the act and rules and regulations thereunder.

7. Whether the Plan, as submitted or as modified, or a plan proposed by the Commission, or any plan heretofore or hereafter filed by any person having a bona fide interest in the reorganization, should be approved by the Commission for purposes of section 11 (d) and, if proposed by the Commission or a person having a bona fide interest, what the terms and provisions of such plan should be.

8. Whether the transactions proposed in any such plan comply with all the requirements of the applicable provisions of the act and rules promulgated thereunder.

It is further ordered, That particular attention shall be directed at said hearing to the foregoing matters and questions.

It is further ordered, That notice of this hearing shall be given by mailing a copy of this order by registered mail to the Public Service Commissions of the States of Michigan, Indiana and South Carolina, the Illinois Commerce Commission, the Ohio Public Utilities Commission, the Public Utility Commission of Pennsylvania, and to Commonwealth and to all other participants in the aforesaid hearing on September 10, 1946; that notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases under the act; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That Commonwealth shall mail a copy of this notice and order to each of its security holders (insofar as the identity of such security holders is known or available to Commonwealth) at least 20 days prior to the date set for hearing; and that Common-

wealth shall enclose therewith a statement that Commonwealth may modify the Plan by amendment without further communication to security holders, unless otherwise ordered by the Commission or unless information with respect thereto is requested by individual stockholders.

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may arise in this proceeding, or to consolidate with this proceeding other filings or matters pertaining to said Plan or to take such other action as may appear necessary or appropriate to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8047; Filed, Aug. 28, 1947; 8:45 a. m.]

[File No. 54-146]

PORTLAND GAS & COKE CO.

NOTICE OF FILING OF AMENDMENT TO PLAN AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 22d day of August A. D. 1947.

Portland Gas & Coke Company ("Portland"), is a corporation organized under the laws of the State of Oregon, which has its principal business office at Portland, Oregon. It operates in the States of Oregon and Washington. Portland is engaged primarily in the business of producing, transmitting, distributing and selling gas and by-products recovered in connection with the manufacture of gas. Portland is a gas utility subsidiary of American Power & Light Company ("American"), a registered public utility holding company, which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company.

At July 31, 1947, Portland had the following securities outstanding:

	Total outstanding	Par or stated value
First mortgage bonds, 3⅛% series due 1976	$10,000,000	$10,000,000
$4,500,000 instalment promissory note 3⅛%	4,500,000	4,500,000
7% preferred stock, cumulative, $100 par; pari passu with 6% preferred	*Shares* [1] 54,580	5,458,000
6% Preferred Stock, cumulative, $100 par; pari passu with 7% preferred	8,712	871,200
Common, no par value	311,130	4,113,000

[1] Includes 595 shares reacquired by Portland.

At December 31, 1946 undeclared and unpaid cumulative dividends amounted to $3,262,133.60 ($60.42 2/3 per share), on the 7% preferred stock and $451,194.48 ($51.79 per share) on the 6% preferred stock.

Of the securities of Portland outstanding American is the owner and holder of all of the common stock (with the exception of 11 directors' qualifying shares); such common stock represents 83% of the total voting power of Portland's securities outstanding.

As an initial step in a proposed reorganization program Portland on June 11, 1946 filed a proposal, subsequently authorized by the Commission, under which the company issued and sold its presently outstanding First Mortgage Bonds. At that time the company stated that upon consummation of this initial step the details of a plan for a reclassification of its preferred and common stocks into a new class of common stock would be proposed through the filing of an appropriate amendment.

Notice is hereby given that on July 29, 1947 Portland and American filed a joint application with the Commission pursuant to section 11 (e) of the act for approval of a plan which has for its stated purpose compliance with section 11 (b) of the act by (a) simplification of the capital structure of Portland by converting it into a company whose capital structure will consist only of common stock and debt; and (b) accomplishing the fair and equitable distribution of voting power among the security holders of Portland in conformity with the provisions of the act.

All interested persons are referred to said plan, which is on file in the offices of this Commission, for a full statement of the transactions therein proposed which may be summarized as follows:

1. American proposes to surrender to Portland for cancellation and to exchange for each share of Portland's outstanding 7% preferred stock and 6% preferred stock such number of shares of Portland's common stock held by American as specified by subsequent amendment to the plan in accordance with the following procedure:

(a) At the first hearing, pursuant to the Commission's notice of and order for hearing herein, American and Portland propose to introduce in evidence written testimony which will constitute substantially all of the basic data upon which American's and Portland's Boards of Directors will propose ratios of exchange of the common stock of Portland held by American for the preferred stocks of Portland.

(b) The plan will then be amended and American and Portland will insert in such amended plan the number of shares of common stock of Portland to be issued in exchange for each share of 7% preferred stock and each share of 6% preferred stock of Portland. Portland at that time will send to each of its security holders, whose address is known to it, a copy of such amended plan together with such further notice with respect to the final hearing on the amended plan as the Commission may prescribe.

2. The Commission is requested in the event it approves the plan to apply to an appropriate District Court of the United States for its enforcement. The effective date of the plan shall be the date as of which the plan shall be consummated pursuant to the order of an appropriate Court and upon becoming effective will be binding upon all persons affected by the plan including all holders of Portland's presently outstanding preferred and common stocks.

3. It is proposed that distribution by American of certificates of common stock of Portland to the holders of Portland's present preferred stocks be made simultaneously with the surrender to American of such preferred stocks and as soon as practicable after the effective date of the plan. American will surrender the preferred stocks so exchanged to Portland for cancellation.

4. To avoid the issuance and allocation of fractional shares by Portland to certain holders of the 6% preferred stock American will, if necessary, transfer and deliver or cause to be transferred and delivered a sufficient number of shares of common stock owned by it to make a full-share allotment to each holder of the 6% preferred stock on the basis of the holders of record at the close of business on July 31, 1947. As to any transfers of record made after that time the transferee or transferees shall be entitled to receive not in excess of the number of full shares which would have been deliverable on the basis of the record at that time and neither the company nor American shall be required to issue any fractional shares or fractional rights.

5. In summary, the plan, if consummated will eliminate all of Portland's preferred stocks, including arrearages, leaving the company with a simplified corporate structure consisting only of debt and common stock.

6. Portland and American request that any order of the Commission approving the plan recite that the relevant transactions of the plan are necessary or appropriate to the integration or simplification of the Holding Company System of which Portland and American are members and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act within the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that hearings be held with respect to said plan, and with respect to any appropriate plan which might be filed during the course of the proceedings, and that said plan or any plans that might be filed during the course of the proceeding should not be approved except pursuant to further order of the Commission:

It is ordered, That a hearing be held on September 15, 1947 at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At such hearing consideration will be given to the plan herein, and to such other plans which may be filed during the course of the proceedings. In the event that other plans are filed or proposed during the course of said proceedings, no notice of such plans will be given unless specifically ordered by the Commission.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that

purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a Trial Examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the plan filed herein, or any plan hereafter proposed, as submitted or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) of the act.

(2) Whether the plan filed herein, or any plan hereafter proposed, as submitted or as hereafter modified, is fair and equitable to the persons affected thereby.

(3) Whether the plan, as filed or as modified, makes appropriate provision for the payment of expenses, fees and remuneration in connection therewith, in what amounts such expenses, fees and remuneration should be paid, and the fair and equitable allocation thereof.

(4) Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the act and rules promulgated thereunder.

(5) Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder, and, if not, what modifications should be required to be made therein and what terms and conditions should be imposed to satisfy the applicable statutory standards.

(6) Whether the Commission, if it should disapprove the plan, as submitted or as modified, should enter an order for the purpose of effectuating compliance by Portland with the provisions of subsections (b) (2) and section 11 of the act and if so what terms and conditions such order should contain.

It is further ordered, That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings, or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve, by registered mail, a copy of this order on the applicants herein and on the Public Utility Commissioner of the State of Oregon and the Department of Public Utilities of the State of Washington; and that said notice of hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission on or before September 10, 1947 his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Portland shall give notice of this hearing to all its security holders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this notice and order for hearing at least 15 days prior to the date of this hearing.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8046; Filed, Aug. 28, 1947; 8:45 a. m.]

[File No. 68-84]

MARKET STREET RAILWAY CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 22d day of August 1947.

In the matter of Russell M. Van Kirk, Bloomfield Hulick, Edmund T. Willetts, committee for the Market Street Railway Prior Preference Capital Stock, File No. 68-84.

Russell M. Van Kirk, Bloomfield Hulick and Edmund T. Willetts, acting as a committee designated as a "Stockholders Protective Committee Prior Preference 6% Cumulative Capital Stock of The Market Street Railway Company of San Francisco", having filed a declaration and amendments thereto regarding the solicitation of authorizations from holders of the prior preference stock of The Market Street Railway Company of San Francisco (Market Street) for the purpose of representing such stockholders in proceedings before the Securities and Exchange Commission, or in any court, with respect to the validity of an open account indebtedness in favor of Standard Gas and Electric Company against its subsidiary, Market Street; and

The declarants having filed an amendment to said declaration on August 15, 1947, and declarants having requested that the effective date of such declaration, as amended, be accelerated; and

The Commission being fully informed in the premises and deeming it appropriate to permit said declaration, as amended, to become effective and to accelerate the effective date thereof:

It is ordered, That said declaration, as amended, be, and the same is hereby, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8048; Filed, Aug. 28, 1947; 8:45 a. m.]

[File No. 70-1542]

MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 22d day of August 1947.

The Commission, by order dated June 26, 1947, having granted and permitted to become effective an application-declaration filed jointly by The Milwaukee Electric Railway & Transport Company ("Transport"), and its parent, Wisconsin Electric Power Company ("Electric"), regarding the proposed sale by Transport of substantially all of its operating properties, consisting principally of transportation properties, pursuant to a competitive bidding procedure and, contingent upon such sale, the redemption by Transport of its outstanding First Mortgage 4% Bonds, held by Electric; and

Applicants-declarants having filed an amendment in which it is stated that no bids were received pursuant to the aforementioned competitive bidding procedure and request is made for an extension of time for a period of approximately 90 days to enable Transport to proceed with a negotiated sale of the aforementioned properties; and

The Commission having considered such request and deeming it appropriate in the public interest and in the interest of investors and consumers that such request be granted;

It is ordered, That the time within which the transactions proposed in the application-declaration, as now amended, may be carried out under Rule U-24 be, and hereby is, extended to and including November 26, 1947.

It is further ordered, That nothing in this order shall be construed to relieve the applicants-declarants from compliance with Rule U-44 (c) under the Public Utility Holding Company Act of 1935 with respect to the proposed sale, by filing appropriate notice of intention to sell pursuant to that rule at such time as a definitive contract of sale shall have been entered into.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8051; Filed, Aug. 28, 1947; 8:46 a. m.]

[File No. 70-1576]

NORTHERN NATURAL GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 22d day of August 1947.

Northern Natural Gas Company ("Northern Natural"), a public utility company and a registered holding company and a subsidiary of North American Light & Power Company also a registered holding company, having filed a declaration and amendments thereto, in which sections 6 (a) (1), 6 (a) (2) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-62 promulgated thereunder were designated as applicable, to the following proposed transactions:

Northern Natural proposes to amend its Certificate of Incorporation to provide for a reduction in the par value of its Common Stock from $20 per share to $10 per share and to issue two shares of Common Stock, par value $10 per share, in exchange for each share of outstanding Common Stock, par value $20 per share, thereby increasing the number of issued and outstanding shares of Common Stock from 1,015,000 to 2,030,000. Northern Natural also proposes to amend its Certificate of Incorporation to provide for an increase in the number of authorized shares of its Common Stock from 1,200,000 shares of Common Stock, par value $20 per share, to 5,000,000 shares of Common Stock, par value $10 per share.

Northern Natural further proposes to call a special meeting of stockholders to be held on or about August 20, 1947 for the purpose of voting on aforesaid proposed amendments to its Certificate of Incorporation and other matters, and has requested the Commission to enter an order prior to August 4, 1947 authorizing the solicitation of proxies in connection with said meeting pursuant to the requirements of Rule U-62.

Said declaration having been filed on July 24, 1947 and the Commission having given notice of said filing in the form and manner prescribed by Rule U-23 and the Commission having entered an order dated July 28, 1947 authorizing, pursuant to Rule U-62, the solicitation of proxies in connection with said special meeting of stockholders; and the Commission not having received a request for a hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

Northern Natural having filed an amendment on August 21, 1947, stating that said special meeting of stockholders was held on August 20, 1947 and that at said meeting the aforesaid proposed amendments to its Certificate of Incorporation were adopted; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and rules and regulations thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8052; Filed, Aug. 28, 1947; 8:46 a. m.]

[File No. 70-1598]

DELAWARE COACH CO. AND SOUTHERN PENNSYLVANIA BUS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 22d day of August 1947.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Delaware Coach Company ("Delaware"), a wholly-owned non-utility subsidiary of The United Gas Improvement Company, a registered holding company, and Delaware's wholly-owned non-utility subsidiary, the Southern Pennsylvania Bus Company ("Southern Penn"). The application-declaration designates sections 6, 9, 10 and 12 of the act and Rule U-43 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 10, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized below.

Southern Penn proposes to issue and sell 3,650 shares of the common capital stock, par value $100 per share, to Delaware for a cash consideration of $365,000. The proceeds of said sale together with other cash funds of the company will be applied to the purchase of new bus and garage equipment and property improvements.

The proposed transactions have been submitted to the Pennsylvania Public Utility Commission for approval.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8050; Filed, Aug. 28, 1947; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 6420, Amdt.]

CHARLES AND KAROLINE RIEKER

In re: Bank account owned by Charles Rieker and Karoline Rieker. F-28-229-E-1.

Vesting Order 6420, dated June 4, 1946, is hereby amended as follows and not otherwise:

A. By deleting subparagraph 1 of said Vesting Order 6420, and substituting therefor the following:

1. That Karoline Rieker and Charles Rieker, whose last known address is Oskar-Piepgrasstrasse 21, ptr. 1, Hamburg-Horn, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

B. By deleting from said Vesting Order 6420 all that part thereof beginning with the figure "2. That the property described as follows:" and ending with the words "the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);" and substituting therefor the following:

2. That the property described as follows: That certain debt or other obligation of Central Savings Bank in the City of New York, Broadway at 73rd Street, New York, New York, arising out of a savings account, account number 1,241,314, entitled Karoline Rieker in trust for Charles Rieker, maintained at the branch office of the aforesaid bank located at 14th Street and 4th Avenue, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Karoline Rieker and Charles Rieker, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All other provisions of said Vesting Order 6420 and all actions taken by or on behalf of the Alien Property Custodian in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8073; Filed, Aug. 28, 1947; 8:46 a. m.]

[Vesting Order 9659]

KOENIG & BAUER, A. G.

In re: Debt owing to Koenig & Bauer, A. G.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Koenig & Bauer, A. G., the last known address of which is Wurzburg, Germany, is a corporation organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Koenig & Bauer, A. G., by Koenig & Bauer, Inc., % Office of Alien Property, 120 Broadway, New York, New York, arising out of an account payable for certain machines received by said Koenig & Bauer, Inc., together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8071; Filed, Aug. 28, 1947; 8:46 a. m.]

[Vesting Order 9709]

MARA MCKEE

In re: Estate of Mara McKee, deceased. File D-28-10004; E. T. sec. 14205.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Paul Von Hindenburg Foundation Fund for Blind and Crippled Soldiers of the Late War (World War I)—"Hindenburg Spende", whose last known address is Berlin, Germany, is an organization organized under the laws of Germany, and is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the Estate of Mara McKee, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by First Trust and Savings Bank, Pasadena, California, as Executor, acting under the judicial supervision of the Superior Court of the State of California in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8072; Filed, Aug. 28, 1947; 8:46 a. m.]

JOHN L. NICHOLAS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, located in Washington, D. C., subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

John L. Nicholas, Athens, Greece, 5863; $246.83 in the Treasury of the United States.

Executed at Washington, D. C., on August 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8074; Filed, Aug. 28, 1947; 8:46 a. m.]

[Vesting Order 9670]

CENTRAL AND EASTERN CORP.

In re: Central & Eastern Corporation.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Berliner Handels—Gesellschaft K. G., the last known address of which is Berlin, Germany, is a partnership organized under the laws of Germany which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That all of the outstanding capital stock of Central & Eastern Corporation, a corporation organized under the laws of the State of New York and a business enterprise within the United States, consisting of 950 shares of $100 par value common stock, registered in the name of Henry Ludeke, is owned by Berliner Handels—Gesellschaft K. G. and is evidence of ownership and control of Central & Eastern Corporation;

3. That Berliner Handels—Gesellschaft K. G. has claims against Central & Eastern Corporation aggregating $116,757.02, as of January 31, 1944, together with any and all accruals thereto, which claims represent an interest in Central & Eastern Corporation and which are represented on the books and records of Central & Eastern Corporation as liabilities payable to the following persons in the amounts appearing opposite their respective names:

Name	*Amount*
Berliner Handels - Gesellschaft K. G	$110,953.01
Siegfried Bieber	1,210.40
Hans Fuerstenberg	2,838.40
Loans payable to Berliner Handels-Gesellschaft K. G	1,755.21
Total	116,757.02

and it is hereby determined:

4. That Central & Eastern Corporation is controlled by Berliner Handels-Gesellschaft K. G. or is acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That to the extent that Berliner Handels-Gesellschaft K. G. and Central & Eastern Corporation are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the 950 shares of $100 par value common stock of Central & Eastern Corporation, more fully described in subparagraph 2 hereof, together with all declared and unpaid dividends thereon, and the interest of Berliner Handels-Gesellschaft K. G. in Central & Eastern Corporation, more fully described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, said business enterprise is hereby undertaken, to the extent deemed necessary or advisable from time to time. This order shall not be deemed to limit the power to vary the extent of or terminate such direction, management, supervision or control.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8037; Filed, Aug. 27, 1947; 8:46 a. m.]